



AGENDA

PLANNING COMMITTEE

WEDNESDAY, 14 MAY 2025

1.00 PM

COUNCIL CHAMBER, FENLAND HALL, COUNTY ROAD, MARCH, PE15 8NQ

Committee Officer: Jo Goodrum Tel: 01354 622424 (committee only) e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 3 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 4 F/YR22/0844/O

Land to the East of Stow Lane. Wisbech

Hybrid Application: 1. Outline application with matters committed in respect of access to erect up to 200 x dwellings and associated infrastructure and 2. Full application to erect 100 x dwellings with associated parking, landscaping, public open space and a new access off Sandy Lane (Pages 3 - 58)

To determine the application.

5 F/YR24/0457/F

Land at Treading Field, Treading Drain, Tydd St Giles Installation of 49.9MW ground mounted solar photovoltaic panels with associated battery storage, substation and ancillary plant and infrastructure, and erection of security fencing and pole mounted CCTV cameras (Pages 59 - 110)

To determine the application.





Fenland District Council • Fenland Hall • County Road • March • Cambridgeshire • PE15 8NQ

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6 Items which the Chairman has under item 2 deemed urgent

CONFIDENTIAL - ITEMS COMPRISING EXEMPT INFORMATION

To exclude the public (including the press) from a meeting of a committee it is necessary for the following proposition to be moved and adopted: "that the public be excluded from the meeting for Items which involve the likely disclosure of exempt information as defined in paragraph 7 of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

7 Enforcement - Hooks Drove, Murrow (Pages 111 - 116)

To advise of the situation regarding the lack of compliance with an Enforcement Notice and to determine an appropriate course of action.

Members: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor S Imafidon and Councillor E Sennitt Clough

F/YR22/0844/O

Applicant: Max Crowson Agent : Mr Andrew Hodgson

Seagate Homes Ltd Pegasus Group

Land to the East of, Stow Lane, Wisbech, Cambridgeshire

Hybrid Application: 1. Outline application with matters committed in respect of access to erect of up to 200 x dwellings and associated infrastructure, and 2. Full application to erect 100 x dwellings with associated parking, landscaping, public open space, and a new access off Sandy Lane

Officer recommendation: Grant

Reason for Committee: Number of resident representations contrary to Officer

recommendation

Government Planning Guarantee

Statutory Target Date for Determination: 17 October 2022

EOT in Place: Yes

EOT Expiry: 30 May 2025 **Application Fee:** £50161

Risk Statement:

This application must be determined by 30 May 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 The site comprises an irregular parcel of land (approx. 13.8Ha) located to the east of Wisbech and forms an area of the east Wisbech strategic allocation, identified through policy LP8 of the Fenland Local Plan (2014) which seeks to deliver around 1450 dwellings (including 550 homes in the Kings Lynn and West Norfolk Borough Council area) and supporting infrastructure.
- 1.2 Policy LP7 sets out that a Broad Concept Plan (BCP) for allocations must be agreed and for future proposals within the site conforming to the BCP. A BCP for this site allocation was approved by the Council in June 2023.
- 1.3 The application has undergone several revisions following discussions with consultees to address matters mainly in respect of transport impacts and mitigation, drainage and biodiversity.
- 1.4 The application is in hybrid comprising; a committed element for 100 dwellings (Full application) with associated parking, landscaping, public open space, and a new access off Sandy Lane, and; an Outline element with matters committed only in respect of access to serve up to 200 dwellings with associated

- infrastructure. The proposal overall is considered to broadly conform to the ambitions of the BCP.
- 1.5 A comprehensive package of mitigation has been agreed by the applicant, with a mixture of financial contributions and direct delivery of transport infrastructure.
- 1.6 It is recognised that the development will result in some unavoidable landscape harm, however this is localised and inevitable given the development plan allocation. Furthermore, due to known viability constraints with the district, the full amount of infrastructure contributions cannot be secured and only a small quantum of affordable housing is achievable.
- 1.7 However, it is considered that the proposal would, on balance, amount to sustainable development and would accord with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the development plan.
- 1.8 The recommendation is to approve the application.

2 SITE DESCRIPTION

- 2.1 The site lies at the eastern edge of Wisbech and comprises approximately 13.8ha of fairly low-lying, flat scrubland and agricultural land, broadly subdivided into three separate fields. The northern field consists of scrubland with mature tree coverage, including orchard trees forming part of the former orchard. The two southern fields consist of arable agricultural land. The detailed ('FULL') element of this Hybrid Application covers the western section of the northern field (5.43ha), with the remaining site area (8.87ha) covered by the outline component.
- 2.2 Sandy Lane runs adjacent to the Site's northern boundary, and Stow Lane lies adjacent to the western boundary. A small section in the Site's south-western corner lies adjacent to a small triangular section of scrubland with Stow Lane positioned beyond this, to the east. The existing development edge of Wisbech is positioned to the west beyond Stow Lane. A former orchard is positioned to the north of Sandy Lane. Agricultural arable fields are positioned beyond the eastern boundaries along with Broadend Road and Green Lane, and various commercial, farm and residential buildings.
- 2.3 The eastern edge of the central and northern fields also forms the District and County boundaries with Kings Lynn and West Norfolk District Council (KLWNBC) and Norfolk County Council (NCC), respectively. The entire site is located within FDC and Cambridgeshire County Council (CCC). The southern boundary is bound by an internal drainage board (IDB) drain and a strip of scrubland with mature tree planting, with a number of TPO trees located across the site, notably a line of Oaks and an Ash tree at the eastern end of the Public Right of Way 'Walsoken Walk' a group of Crack Willow just south of right of way at the western end and two further oaks in the northern half of the site. The Meadowgate Academy (Secondary School) and an agricultural field are located further to the south. A series of field drains line the site boundaries, apart from a very small section in the northwestern corner of the southern field.

3 PROPOSAL

- 3.1 The application seeks planning permission for the development of the site for up to 300 homes. The application is a hybrid one comprising; a committed element for 100 dwellings (Full application) with associated parking, landscaping, public open space, and a new access off Sandy Lane, and; an Outline element with matters committed only in respect of access to serve up to 200 dwellings with associated infrastructure.
- 3.2 The Full element commits 100 dwellings (first phase) located at the northwestern corner of the site, with a new access formed along Sandy Lane. The access forms a spine road serving the committed development and the wider development parcel. A 2.3ha area of land to the east is safeguarded for a future 2FE (two form-entry) primary school. Sandy Lane itself is proposed to be enhanced with a footway/cycleway and realigned to curve into the site before heading northwards to the junction with Bush Lane/ Stow Lane.
- 3.3 The Full element is supported by an area of public open space including LEAP (locally equipped area of play) and community orchard to the south which straddles the existing public right of way connecting Orchard Drive to Green Lane. Adjacent to the south and west of this this, a surface water attenuation pond and pumping station are proposed.
- 3.4 The housing proposed comprises a mix of 1, 2, 3 and 4-bedroom properties, all of which are 2-storey.
- 3.5 An area of land at the site access at Sandy Lane is proposed to be safeguarded to allow for a potential roundabout to serve the northern part of the allocation, should this be required in the future.
- 3.6 The Outline element is anticipated to provide up to 200 dwellings and to be served by continuation of the spine road. The indicative masterplan indicates that the spine road effectively splits east to west to serve 2 parcels of units, with the majority leading south west, with provision for vehicular access to Orchard Drive, further attenuation features and a further foul and surface water pumping station. All but two of the TPO trees on site are proposed to be retained, with two semi-mature Oaks; one at the north adjacent to Sandy Lane; and, one at the centre-west side of the site proposed to be removed. Additional native hedgerow and shrub planting is proposed along the site boundaries to aid with screening and habitats.
- 3.7 The internal road network indicates potential vehicular connection points with land to the east, currently subject to an application for planning permission under F/YR22/1256/F and a wedge of land located at the south which falls outside of the applicant's control but which forms part of the allocation site.
- 3.8 A number of amendments and further information has been provided, mainly to address matters of highways and highway design, drainage and biodiversity.
- 3.9 The application is supported by the following supporting reports.
 - Design and Access Statement Pegasus Group
 - Landscape Design

 Pegasus Group
 - Flood Risk Assessment and Drainage Strategy BHA Consulting

- Transport Assessment and Travel Plan- BSP Consulting
- Preliminary Ecological Appraisal- Hillier Ecology
- Arboricultural Implications Assessment, Method Statement and Tree Protection
- Plan Andrew Belson
- Health Impact Assessment Pegasus Group
- Air Quality Assessment Tetra Tech
- Contamination survey Geodyne
- Lighting Assessment Tetra Tech
- House type pack
- Sandy Lane improvement plan
- Archaeology Report
- Ecology Surveys
- Biodiversity Impact Assessment
- Boundary Enclosures Plan
- Building Heights Plan
- Co-ordinated pedestrian /cycle & bus plan
- External Materials Plan
- Highway plans tracking, access, junction design
- Landscape Masterplan & statement
- Masterplan rev H
- Parking Strategy plan
- Planning Statement
- Site Layout plan rev P
- 3.10 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Proposal	Decision
22/0035/PREAPP	Erect 300 dwellings	Advice provided
F/YR22/0514/SC	Screening Opinion: Erect up to 325 x dwellings and associated infrastructure	Screening Opinion issued 26.05.2022 Not EIA
		development
F/YR19/0199/SCOP	Scoping Opinion -	Scoping
	Residential	Opinion
	development with	Issued:
	associated public	Further
	open space,	information
	infrastructure, local	required
	centre and school	

5 CONSULTATIONS (Latest comments summarised)

5.1 Wisbech Town Council

Supports the proposal subject to the Local Highway Authority being satisfied.

5.2 Ward Councillor

No comments received

5.3 Kings Lynn and West Norfolk Borough Council (KLWNBC)

Raises no objection.

Provides observations on visitor parking, electric vehicle charging, bus enhancements, pedestrian and cycle links and the need for a travel plan to reduce car modes of travel and reduce air quality issues.

No objections subject to Broadend Rd Junc. vs. A47 mitigation in place prior to commencement of development.

5.4 Cambridgeshire County Council Local Highway Authority (Transport)

No objection subject to the following conditions/obligations (summarised);

- Provision of a residential Travel Plan pre-occupation
- Sandy Lane improvement works, as shown in principle on drawing 3739.SK05
 Rev P10 to be delivered pre-occupation
- Orchard Drive access improvement works, as shown in principle on drawing 3739.SK006 Rev P5 to be delivered pre-occupation
- Prior to occupation safeguard the land required to deliver a roundabout on Sandy Lane as shown in principle on drawing 3739.SK05 Rev P2, in order for it to be transferred to a third party for delivery at a later date
- A footway connection between Orchard Drive and application site under F/YR22/1256/F to be provided prior to occupation
- The applicant shall construct any relevant roads and footways right up to the red line boundary of application F/YR22/1256/F and not leave any ransom strips. This is to allow the whole allocation to be developed.
- Prior to first occupation of any development, two new bus stops shall be delivered on the main spine road within the site. These works shall include but not be limited to, a bus shelter at Stow Lane, 2 behind the footway on third party land and maintained by a management company, standalone RTPI, flag, pole and bus timetable. Details to be submitted to and agreed in writing with the Local Planning Authority and works to be carried out by the developer.
- Prior to occupation of the 150th dwelling, the developer shall pay a S106 monetary sum of £483,600 (four hundred and eighty three thousand six hundred pounds) towards bus service enhancements within Wisbech.

5.5 Cambridgeshire County Council Local Highway Authority (Development Management)

• Content with the development (albeit the indicative portion of the site needs further refinement but it's a matter for a future RM application.

5.6 **CCC Definitive Mapping team**

Advises that Public Footpath 4, Wisbech, runs across the development site, with Public Byway 14 running alongside the west side of the site, and Public Byway 15 running along the southern site boundary.

Advises that there is no legally defined and recorded width for Public Footpath 4, Wisbech, nor for Public Byways 14 and 15. Where there is no legally defined width for a public right of way and the applicant therefore would proceed with any development that might affect the highway at their own risk.

The existing boundaries of Wisbech Footpath 4 must be off-set from the public footpath at a distance of 1.5 metres each side, as is established in our guidance for developers: Public Rights of Way - Guidance for Planners and Developers v4 (cambridgeshire.gov.uk)

5.7 Norfolk County Council Local Highway Authority

Advises that Norfolk County Council is responsible to the highway network to the east of the site including the eastern section of Sandy Lane and Broadend Road.

Notes the Seagate development is located to adjacent to the Prosperity Homes development wherein the latter proposes a package of offsite highway improvement works on Broadend Road that includes proposals to widen the carriageway to 6m and to provide a continuous footway connection to the employment area east of the allocation.

Norfolk County Council considers that these works to Broadend Road are essential to support the increased number of vehicle and pedestrian trips on Broadend Road that are brought about by both this development, the adjacent Prosperity Homes development and further development associated with the wider allocation.

Notes that both this development and the adjacent Prosperity Homes Development are reliant on each other to provide the necessary highway improvements and deliver pedestrian and cycle links to the wider community. Considers that these applications along with their associated highway improvement works should be considered together as the measures are fundamental to allow the highway authority to support growth at this location.

Advises that Norfolk County Council Highways has no objection following demonstration of a suitable package of highway improvements on Broadend Road has now been proposed by Prosperity Homes.

Conditions recommended to secure highway upgrades with triggers set out.

5.8 **National Highways**

Acknowledges the applicant has provided an amended Transport Assessment further to previous comments, including an additional junction capacity assessment for the A47 / A1101 Elm High Road Roundabout. The junction capacity assessment for both this junction, and the A47/ Broadend Road junction operate with capacity in all scenarios tested.

The exception is, with the A47/ A1101 Elm High Road Roundabout is identified to be over the theoretical capacity of 0.85 RFC in the PM peak 2033 when both committed and development traffic flows are included. However, the impact of the development flows from the proposed development is considered unlikely to have a severe impact on the SRN (Strategic Road Network) to warrant recommending refusal or requiring additional mitigation on the SRN. In addition, the proposed development includes an outline Travel Plan identifying proposed measures to reduce car trips from the application site.

National Highways' requests a detailed Travel Plan to secure ongoing monitoring of the proposed measures to mitigate against a severe or unacceptable impact on the A47.

5.9 Anglian Water Services Ltd

Advises that Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement and that the site layout should take this into account.

Confirms that the foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows.

Notes that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Recommends that the Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

5.10 Cambridgeshire County Council Lead Local Flood Authority

Raises no objection. Refers to the following documents:

- Flood Risk Assessment and Drainage Strategy, BHA Consulting Ltd, Ref: 3739
 Version 3, Dated: 23 November 2022
- Response to LLFA Comments, BHA Consulting Ltd, Ref: 3739/KE/12-12-23, Dated: 12 December 2023
- Surface Water Drainage Maintenance and Management Plan, BHA Consulting Ltd, Ref: 3739 Version 2, Dated: 28 June 2022
- Drainage Strategy, BHA Consulting Ltd, Ref: 3739.SK002 Rev P09, Dated: 18 September 2024

Considers that the details demonstrate that surface water from the proposed development can be managed through the use of permeable paving over private and shared access and parking and attenuation provided within open basins. The water will be discharged through pumped outfalls into the adjacent ditch network at an agreed rate with the IDB of 4.2l/s in the southern catchment and 5l/s in the northern catchment.

The proposals in the northern catchment are subject to outline permission and, as discussed with the applicant, the drainage layout must account for the existing drainage infrastructure within the site.

Conditions recommended.

5.11 Kings Lynn & West Norfolk Internal Drainage Board

No objections following further discussion with the applicant.

Advises that the applicant has made contact with the Board regarding their concerns and that following discussions, the applicant has approached the Board to make applications for consent under Byelaw 3 and Section 23, which are currently under determination. Advises that the Board will impose its own conditions on any consent, if granted.

5.12 **Environment Agency**

No comments received

5.13 Cambridgeshire County Council Archaeology

Due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological

remains within the development area, and to establish the need for archaeological mitigation of the development as necessary.

Pre-commencement archaeological condition required.

5.14 Cambridgeshire County Council Growth & Economy

Requests the following;

	Amount	Project	Trigger
Early Years	£531,970	New Early Years places in Wisbech	50% prior to commencement
Primary School	N/A		and remaining 50%
Secondary School	£1,692,088	New secondary school	prior to occupation of 50% of the scheme
Libraries	£44,250	Wisbech Library enhancements	100% prior to occupation of 50% of the scheme
Monitoring	£150.00		

Also requires the provision of 2.3ha of land to be reserved for a future primary school.

5.15 Cambridgeshire County Council Mineral & Waste Local Planning Authority No comments received

5.16 Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

[Natural England's generic advice on other natural environment issues is provided]

5.17 **FDC Ecology**

Comments provided further to previous comments and the submission of additional information and in respect of a Biodiversity net gain assessment.

Traditional Orchard

Accepts the results of the assessment of the remnant orchard trees on the site (ref. Enhanced Description of Group B and Consideration of What Constitutes a Traditional Orchard, Andrew Belson Arboriculture Consultant) that the orchard once present on the site has now largely been lost and does not fit the criteria necessary for designation as a Traditional Orchard Priority Habitat. Notwithstanding this, the ecology officer supports the recommendation made in the report that any detailed landscape scheme designed for the site should aim to reflect the former fruit production in the area by requiring fruit trees to be part of any tree planting proposals.

Invertebrates

Accepts that the site is unlikely to support a rare, unusual or exceptional assemblage of invertebrates.

Water Voles and Reptiles

Concludes that the site has low-negligible potential to support the specially protected species water vole or reptiles.

Biodiversity Enhancement

Advises that the proposals should at least aim to achieve a no net loss in biodiversity and should preferably achieve a gain. Notes the submission of a Biodiversity Metric which provides a measure of the current Biodiversity value of the site and an estimate of the post-development Biodiversity value. It is concluded that the development is unlikely to achieve no net loss on-site, and will require off-site habitat creation and/or enhancement. An area of land off-site has been identified which could accommodate sufficient habitat enhancement such that the proposals, when this off-site area is included, could achieve a small gain.

Acknowledges that the school reserve land would not form part of the development to be assessed against biodiversity loss, as this would form part of a separate submission.

Advises that the Council will need to consider the use of an S106 planning obligation to secure the off-site habitat creation and long-term management.

Protected species

Advises that surveys for badgers should be undertaken prior to any ground clearance works.

5.18 **FDC Trees**

No objections subject to protection methods as set out in the Arboricultural impact assessment and method statement.

5.19 FDC Housing Strategy

Acknowledging the Fenland Viability report (March 2020) the provision of 20% affordable housing provision is required. Expected tenure split for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership.

5.20 FDC Sports & Leisure services

No comments received

5.21 Cambridgeshire Police Designing Out Crime Officers

Considers the proposed location to be of low risk to the vulnerability to crime

Provides advice and recommendations on the following;

- achieving visibility over private parking spaces for a number of plots
- Rear Footpaths/ Gates and side access security
- Parking space positioning
- External lighting
- Public footpath visibility/ surveillance
- Requirement for a management plan over the landscaping

5.22 Cambridgeshire Fire & Rescue Service

Requests that adequate provision be made for fire hydrants, by way of Section 106 agreement or a planning condition.

5.23 FDC Environment & Health Services (FDC)

No Objections to the proposed development. Considers it is unlikely to have a significant detrimental effect on air quality or the local noise climate.

Concludes that given the nature of the proposal and the application site having no recorded development history, contamination is unlikely to be an issue at this location.

5.24 NHS England (East)

The development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application site Wisbech Practices: Trinity Practice, North Brink and Clarkson.

A contribution of £195,329.50 is requested for the provision of capacity to absorb the patient growth generated by this development.

5.25 East Of England Ambulance Service NHS Trust

A contribution £106,275 is requested for the redevelopment of Peterborough or King's Lynn Ambulance Hubs to increase capacity and EV charging infrastructure which will supply additional ambulance vehicles for use in Wisbech

5.26 Local Residents/Interested Parties

Objectors

Objections received from 8 households in the following areas;

- Oakley Close, Wisbech
- Stow Road, Wisbech
- Stow Lane, Wisbech
- Stow Gardens, Wisbech
- Linden Drive, Chatteris

Raising the following concerns

- Access
- Anti Social behaviour
- Noise
- Traffic or Highways
- Trees
- Wildlife Concerns
- Density/Over development
- Local services/schools, healthcare over capacity
- Existing drains are poor/ unmanaged
- Lack of reference to Stow Lane
- Lack of public consultation
- Public objections not considered
- Character impacts
- Insufficient road widths
- Traffic impacts to Orchard Drive/ Stow Lane
- Construction impacts and Construction traffic
- Who is responsible for ongoing drainage maintenance?
- A47 junction and Elm Hall roundabout improvements required
- Broadend Road and Sandy Lane are too narrow
- Highway safety
- Residential amenity impacts from proposed trees

Supporters

None received

Representations neither objecting to nor supporting the proposal

2 representations received from Wisbech in;

Oakley Close and Chapel Road

Raising the following matters;

- Anti Social behaviour along the Stow Lane right of way
- Drainage are ditches to be piped
- Environmental Concerns
- Flooding
- Light Pollution
- Local services/schools unable to cope
- Noise
- Traffic or Highways impact to vehicle speeds along Sandy Lane
- Wildlife Concerns
- No consideration for pending application F/YR22/0802/PIP, in respect to frontage development and access on to Sandy Lane.
- Agrees with the principal of the development, providing it is in accord with the adopted BCP Master plan

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) 2024

- Chapter 2 Achieving sustainable development
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 6 Building a strong, competitive economy
- Chapter 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

Lifespan

7.4 Fenland Local Plan 2014

- LP1 A Presumption in Favour of Sustainable Development
- LP2 Facilitating Health and Wellbeing of Fenland Residents
- LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 Housing
- LP5 Meeting Housing Need
- LP7 Urban Extensions
- LP8 Wisbech
- LP13 Supporting and Managing the Impact of a Growing District
- LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 Delivering and Protecting High Quality Environments across the District
- LP17 Community Safety
- LP18 Historic Environment
- LP19 The Natural Environment

7.5 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

- Policy 5: Mineral Safeguarding Areas
- Policy 10: Waste Management Areas (WMAs)
- Policy 14: Waste management needs arising from residential and commercial Development
- Policy 16: -Consultation Areas (CAS)

7.6 Delivering and Protecting High Quality Environments in Fenland SPD 2014

- DM2 Natural Features and Landscaping Schemes
- DM3 Making a Positive Contribution to Local Distinctiveness and character of the Area
- DM4 Waste and Recycling Facilities
- DM6 Mitigating Against Harmful Effects

7.7 Developer Contributions SPD 2015

7.8 Cambridgeshire Flood and Water SPD 2016

7.9 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP6: Renewable and Low Carbon Energy Infrastructure
- LP7: Design
- LP8: Amenity Provision
- LP9: Residential Annexes
- LP11: Community Safety
- LP12: Meeting Housing Needs
- LP17: Culture, Leisure, Tourism and Community Facilities
- LP18: Development in the Countryside
- LP19: Strategic Infrastructure
- LP20: Accessibility and Transport
- LP21: Public Rights of Way
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP26: Carbon Sinks and Carbon Sequestration
- LP27: Trees and Planting
- LP28: Landscape
- LP29: Green Infrastructure
- LP30: Local Green Spaces and Other Existing Open Spaces
- LP31: Open Space and Recreational Facilities
- LP32: Flood and Water Management
- LP33: Development on Land Affected by Contamination
- LP34: Air Quality
- LP35: Regeneration of Wisbech
- LP36: Residential Site Allocations for Wisbech
- LP45: An aspirational community

7.10 Other documents of material relevance

East Wisbech Broad Concept Plan (2018)

8 KEY ISSUES

- Principle of Development
- Access, Highways and Transport Impacts
- Design, Visual Amenity and the impact upon the Character of the Area
- Housing Mix
- Flood Risk & Drainage
- Air quality
- Biodiversity (including BNG)
- Trees and Landscaping
- Residential Amenity
- S106/ Community Infrastructure
- Archaeology & Historic Environment

9 BACKGROUND

9.1 Environmental Impact Assessment

As set out in the history section, this application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is considered that while the development may result in localised impacts to the settlement and surroundings, the development, in combination with other committed developments would not result in significant environmental effects for the purposes of EIA development.

9.2 East Wisbech Strategic Allocation

The site comprises an area of land set within the strategic allocation of east Wisbech. This allocation shares some of its delivery with Kings Lynn and West Norfolk Borough Council (KLWNBC) and a joint Broad Concept Plan was agreed with KLWNBC and adopted by the LPA in 2018. The entirety of this particular site falls outside of the KLWNBC area and is therefore to be determined under the policies of the adopted Fenland Local Plan 2014.

9.3 Pre-application

The proposed development was subject to pre-application discussions with both Fenland District Council and Cambridgeshire County Council (Highways, Drainage and Education) in February – March 2022. Main design principles presented were;

- 100 dwellings in the north-western section (Phase 1) proposed via a Full Application. The remaining circa 200 dwellings (Parcels 2-6) via an Outline Application;
- A mix of housing types and tenures to reflect local housing needs, including housing for first-time buyers, family homes, homes for downsizers and potential for bungalows, and Affordable Housing;
- Vehicle and pedestrian access from Sandy Lane to the north, and Stow Lane and Orchard Drive to the west respectively along with junction improvements;
- Significant area of open space (2.65ha) in the approximate centre of the site, offering play space and a 'green corridor' to protect the 'Walsoken Walk';
- The landscaping and planting scheme to assist in the proposal meeting biodiversity net gain targets;
- A sustainable urban drainage system to manage drainage water; and
- Allocation of land towards a 'Community Hub' (i.e. primary school, local centre, park, formal pitches or a parkland) in the north-eastern corner.
- A subsequent Planning Statement would need to clearly demonstrate conformity with the East Wisbech Broad Concept Plan (BCP). It was recognised that there might be some divergence from the specific BCP layout (subject to planning justification), but the core principles would need to remain.
- The Housing Officer responded and outlined that either a policy-compliant affordable housing scheme would need to be provided or a viability assessment submitted to demonstrate reduced or no affordable housing provision.
- CCC Highways responded and confirmed that the highways consultant had demonstrated sufficient existing capacity to accommodate the development and that any highways works would not prejudice the delivery of the wider site allocation.
- CCC confirmed that the standalone 300-unit scheme would not require the delivery of a school.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP8 of the Fenland Local Plan designates the 'East Wisbech (strategic allocation)' area, a cross-boundary growth site allocated jointly by both Fenland District Council and Kings Lynn and West Norfolk Borough Council ('KLWNBC') within which this application site lies.
- 10.2 The allocation identifies the land primarily for housing growth with supporting infrastructure. The allocation in its entirety covers approximately 72Ha comprising around 48Ha within the Fenland district, wherein approximately 900 homes are envisaged, with around 550 homes to come forward within the KLWNBC area.
- 10.3 Local Plan policy LP8 sets out that the proposed access(es) to serve the development must ensure that there is no unacceptably net adverse impact on the local and strategic highway network and on existing residential amenity, setting out a significant upgrade to the junction of the A47 with Broad End Road (within the KLWNBC area), probably in the form of a new roundabout, with the arrangements for delivering such upgrade being agreed as part of the broad concept plan for the allocation.
- 10.4 Furthermore, existing areas of high-quality woodland, including some mature orchards, and the disused railway should be retained and enhanced to serve as multifunctional public open space areas with amenity, biodiversity and community food value.
- 10.5 Fenland Local Plan Policy LP7, amongst other things, sets out that a Broad Concept Plan (BCP) for allocations must be agreed and for future proposals within the site to conform to the BCP.

The BCP

10.6 A BCP was jointly produced and adopted by FDC and KLWNBC in 2018. In summary, the BCP (Main Diagram) denotes housing across the allocation but supported by key infrastructure such as a community hub comprising a primary school, local centre, parkland and sports pitch provision, which is mainly located around the centre of the allocation, with a belt of existing woodland at the far south to be retained, existing rights of way to be enhanced and a number of access points along it perimeter to provide good links to the wider settlement. The BCP also envisages a loop road system, with the closure of Sandy Lane to through traffic, as well as the necessity to provide for large areas of surface water attenuation.

Alignment with the BCP

10.7 This application is considered alongside proposed development of adjacent land to the east (Fenland DC application reference; F/YR22/1256/F) submitted by Prosperity Wealth & Development Ltd ('Prosperity') which commits details for 300 dwellings and outlines a proposal for a 60-bed care accommodation, community hub, and supporting infrastructure. Cumulatively, the developments accommodate around 52% of the allocation and would complete a substantial part of the southern element (south of Sandy Lane) securing upgrades to key rights of way leading east to west across the site, a community hub including small retail, land reserved for a new primary school and highway upgrades to

Sandy Lane and Broadend Road. Furthermore, both schemes make provision for inter-connectivity, to enable a loop road from Sandy Lane, into and across both parcels before exiting back onto Sandy Lane.

- 10.8 It is considered that cumulatively across both of these parcels, the scheme broadly aligns with the vision of the BCP. It is noted however that at this time, there is no proposal for sports pitch provision, as the sites are already constrained by the need to deliver school land, the community hub, significant drainage attenuation features and upgrade to PROW. As such, sports pitches would be expected to come forward through future parcels immediately north of Sandy Lane in order to accord with the broader BCP vision.
- 10.9 Furthermore, this application proposes to upgrade Sandy Lane and reconfigure its alignment where it meets Stow Road, essentially directing Sandy Lane briefly south, into the site before looping northwards where it meets Stow Road. The BCP vision is to close Sandy Lane to through traffic, with the rationale being to reduce rat-running from the eastern side (A47) through Sandy Lane and onto Stow Road/ Bush Lane etc., and instead to disperse traffic routing at various points along the western boundary (subject to appropriate highway design). Therefore, whilst the scheme doesn't entirely align with the BCP vision and will allow through traffic along Sandy Lane, the applicant has advised that the design follows significant discussion with the Local Highway Authority who have raised no objection to the proposed scheme and/or traffic impacts of the development. Furthermore, the applicant notes that at this time, there are no other significant developments committed north of Sandy Lane which would enable a viable option to close off Sandy Lane and allow a looped road system, with multiple punch points along the western boundary, as envisioned.
- 10.10 As set out in the BCP document, the overall allocation site is divided into multiple landownerships with approximately 26 different parcels, with no guarantee that a holistic development proposal of the entire allocation would be achievable at once. In this regard, there is a risk that pursuing the Sandy Lane closure at this time, that the allocation as a whole may not be viable to come forward. This, combined with Local Highway Authority comfort that the development would not result in significant issues in transport terms indicates that whilst the development does depart slightly from the broader BCP vision, there are mitigating circumstances which makes this an acceptable alternative. Notwithstanding, it would be expected that future parcels to the north of Sandy Lane would make provision for further exit points along the eastern and western boundaries, to improve overall traffic dispersal and reduce reliance on Sandy Lane in the longer term.
- 10.11 In respect of the application therefore, it is considered that the proposal broadly follows the BCP vision. In this regard, the principle of the development is acceptable as it aligns with the ambitions of the relevant allocations policies and the adopted BCP for this site, subject to detailed assessments of impacts.

Layout

FULL element (phase 1)

10.12 The first 100 homes are a committed part of the application and lie to the northwestern corner of the site and are proposed to be accessed via Sandy Lane, supported by a 6m wide main spine road from Sandy Lane which leads to the housing via junction points onto narrower 5m wide secondary roads. Small

pockets of homes are served by narrower private drives but with most served by adoptable standard streets served by continuous pedestrian footways. Vehicular access is also proposed to be provided onto Orchard Drive in the second phase of development, with precise details to be committed under future reserved matters. Notwithstanding, the first committed phase does provide for pedestrian and cycle access onto Orchard Drive and Sandy Lane, with the public right of way leading east to west through the centre of the overall site being protected.

- 10.13 Adjacent to the PROW, an area of public open space is proposed which incorporates an area of equipped play space. This is considered to be sufficient to support the proposal and appropriately located either side of the PROW which will enhance this network and its useability. Further details of the open space and long-term management and any alterations/ enhancements to the public right of way can be secured through the s106 legal agreement.
- 10.14 The 2.3ha of reserved school/community land is located alongside the northwestern part of the site. No detail of the design and layout of the school is yet provided, as this will be a matter to be considered under a separate application for planning permission should it be required by the education authority in the future. Notwithstanding, its position relative to Sandy Lane, the proposed housing and the adjacent development proposed to the east (which includes the local centre) is a logical one and no concerns are raised in this regard. Again, the S106 agreement would secure the precise details of how this land will be reserved and maintained until such time that it is adopted for school development, or how it will be used in the event that the site is not ultimately required for a new school for example as community land or sports pitches.
- 10.15 In respect of the housing; appropriate on-site parking and manoeuvrability is proposed commensurate to the quantum required under Local Plan policy LP15 and associated parking standards. Whilst the garages are shorter than the 7m depth required under Local Plan, they would be adequate to accommodate an average vehicle in terms of length. It is understood that the length required by Policy LP15 is to ensure the garages can accommodate a reasonably sized car and some storage e.g., cycles. Therefore, given the shorter lengths of the garages it is necessary to ensure that each property is served by a secure cycle shed (which would otherwise be stored in the garage), to ensure that future occupiers have a secure means to store cycles and to enhance options for sustainable travel modes, as well as a garage to accommodate a reasonable sized car. This detail can be reasonably secured through planning condition. The gardens proposed for the developments are considered to generally accord with requirements set out in policy LP16 and the provision of a cycle store would not impact on the usability of the space or the capacity of the private amenity area in meeting the outdoor needs of the future occupiers of the dwellings.
- 10.16 Whilst a majority of the development is located on adoptable streets, thereby enabling residents to present their wheeled bins for collection at the kerbside, there a small number of private streets, whereby the Council's refuse team would not normally access unless by prior agreement and indemnity policy. Notwithstanding, these private streets incorporate bin collection points with suitable carrying distances for both residents and waste operatives, in accordance with the RECAP guidance set out under Policy 14 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021.

10.17 No concerns are raised in respect of the general layout of this first phase, which provides adequate manoeuvrability e.g., in respect of parking, waste collection, emergency vehicle access and logical pedestrian and cycle manoeuvrability. Furthermore, the general layout of housing and density of this first phase is considered acceptable.

Outline element

- 10.18 The outline element of this application seeks permission for up to 200 homes, likely as two subsequent phases. The indicative layout provided details appropriate connections to the first phase, vehicular connection to Orchard Drive and to the eastern prosperity parcel, through multiple vehicular and pedestrian/cycle connections
- 10.19 The indicative layout denotes a logical extension to the initial Phase 1 element and would be supported by suitable drainage infrastructure and could achieve effective connectivity to existing development to the west and the proposed development to the east. It is necessary to ensure amongst other things that a detailed drainage strategy and design is secured with future reserved matters which may ultimately inform the layout and quantum of deliverable units on site. Notwithstanding, there is nothing at this stage to indicate that the quantum of homes sought would not be achievable.
- 10.20 In summary it is considered that the layout for both the committed development and the indicative phases align with the aims of the development plan and the BCP.

Access, Highways and Transport Impacts

- 10.21 Local Plan policy LP15 and Chapter 9 of the NPPF seek to ensure amongst other things that development is served by well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors including habitat connectivity (linking to existing routes where opportunities exist) that give easy access and permeability to adjacent areas.
- 10.22 The application is supported by a Transport Assessment and framework Travel Plan which, through review by the Local Highways Authorities and National Highways is considered be acceptable, subject to mitigation secured through conditions and S106 contributions, including a Full Travel Plan.
- 10.23 Sandy Lane is proposed to be upgraded with the aforementioned realignment and includes a continuous footway/ cycleway along its southern extent, linking with the proposed Prosperity development to the east and Stow Road to the north west. A 2m wide footway with crossing point is also proposed to be formed partly along the northern western extent of Sandy Lane where it meets Stow Road. Furthermore, following a request by Cambridgeshire Highway Authority, land has been reserved within the site for a potential roundabout along Sandy Lane, should this be deemed necessary in the future, as the wider allocation comes forward. The reservation of land to serve this infrastructure would be secured through a S106 legal agreement.
- 10.24 The development relies on a point of access to the west of Sandy Lane. This access point leads onto a 6.5m wide spine road which runs southward, incorporating a 3m wide footway/ cycleway along its western extent, and a 2m

wide footway on the eastern side – but separated from the spine road by a tree lined verge. The spine road incorporates raised tables for speed reduction measures and makes provision for bus stops. It is envisaged that the 2.3Ha reserved school site to the east of the spine road would be accessed along this extent. The spine road continues south where it is proposed to then lead east and west through latter phases of the development, to serve the remaining c.200 units.

- 10.25 As noted, with the exception of a small number of private drives, all roads serving the first phase are proposed to be adopted and whilst the adoption process falls outside of the planning process, the Local Highway Authority has indicated their agreement to the highway elements of the first phase. Notwithstanding, a condition requiring details of their long-term management and maintenance until such time as adoption takes place is considered necessary, as well as ensuring that all roads are bought up to binder course level prior to occupation.
- 10.26 The indicative layout of the outline scheme denotes a continuation of footway/ cycleways which will ultimately mean that users will be able to travel through the development and onto adjacent developments at relative ease and safety via foot or cycle, providing an attractive place to walk and cycle with a clear priority given to pedestrian and cycle movements throughout the development, thereby helping to increase the use of non-car modes of travel. Furthermore, the existing rights of way are proposed to be incorporated into the scheme to enable their continuous use.
- 10.27 Whilst the first FULL phase will provide pedestrian and cycle connectivity to Orchard Drive, subsequent phases would also secure a vehicular link to Orchard Drive to the west, as well as vehicular links to the proposed development to the east. This latter phasing would provide a loop road across both developments which is considered by the Local Highway Authority to be appropriate, particularly in respect of securing future bus travel within the site, which relies on a looped road and as envisioned in the BCP. This looped road system will also provide for multiple routes through the developments with exists onto established highways, to enable a variety of egress/ ingress points to reduce pressure on any one particular junction point. Concerns have been raised over the adequacy of using Orchard Drive as a thoroughfare, with issues of on-street parking and obstruction being cited. Whilst a future phase proposes vehicular connection to Orchard Drive, this is not anticipated to be the primary point of access and would likely only serve a small number of users, with the majority heading onto Sandy Lane to access Wisbech or eastwards to Broadend Road and Burretgate Road, with upgrades to Broadend Road also required to accommodate traffic flows.
- 10.28 In this regard, the adjacent developer, Prosperity has offered a scheme of enhancements to Broadend Road where it meets Sandy Lane which would secure a widened highway, lighting and continuous footway to the industrial units to the east. The scheme also includes for direct access from the development site onto Broadend Road which will relieve some pressure on Sandy Lane. Norfolk County Council Highways has agreed to the scheme and has requested that the improvements are delivered prior to 100 dwellings from each development (i.e., a cumulative total of 200 dwellings across both developments) being occupied. However, it must be noted that these alterations and improvements are not within the gift of the Applicant to deliver. It is considered that for the current application, if built out on its own, to function effectively would require some highway improvements to Broadend Road. Therefore, it is considered reasonable to

impose a restriction requiring highway improvements to mitigate the impacts from this development beyond the first 100 homes. It should be noted that the requirement can be drafted to ensure that it would automatically be complied with if the proposal by Prosperity, or a similar one, was to come forward in advance.

- 10.29 The framework travel plan aims to increase not only pedestrian and cycle use but also bus travel, which cumulatively aims to reduce the need to travel by car for basic trips, thereby relieving pressure on the local road network. The full and outline proposals incorporate bus stops along the internal roads and as noted, will ultimately incorporate a loop road with the adjacent development. It is envisaged that the early phases of the development would be unlikely to be viable for a regular bus route. As such, Cambridgeshire Highways has requested a contribution toward funding a future demand-responsive bus service, similar to the FACT bus that operates across the district. It's likely that this would be onstream at latter phases of the developments. The applicant has agreed to a contribution toward this which would secure around 3 years' service initially, whilst the development grows sufficient enough to potentially secure a regular service.
- 10.30 National Highways initially raised concerns over the development, with particular reference to impacts on the A47/A1101 Elm High Road roundabout which is known to be already over capacity. The Wisbech Access Strategy identifies requirements to upgrade this junction as well as others along the A47 route, including the junction with Broadend Road. However, National Highways subsequently removed their objection following updates to the transport assessment and framework travel plan which demonstrated that likely impacts could be managed through encouraging alternative travel modes. Both National Highways and the Local Highway Authorities have requested a detailed travel plan with a long-term monitoring and action plan.
- 10.31 Concerns have also been raised by a number of contributors over the current condition of the Broadend Road/ A47 junction citing concerns over safety and capacity. Local Plan policy LP8 and the BCP also includes reference to this junction needing to be upgraded to accommodate the additional vehicles, envisaging a new roundabout at this junction. This infrastructure would need to be led by National Highways given it will be on the network under their jurisdiction and therefore any contributions toward a capital project or direct delivery by developers would need to be requested by them with in-principle designs costed and agreed in advance.
- 10.32 Paragraph 116 of the NPPF sets out that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."
- 10.33 National Highways have not made any such requests for an improvement scheme at the Broadend Road junction for this development or for the adjacent Prosperity scheme, with their response to both being satisfied with the principles of the framework travel plans and future monitoring and, if necessary, further mitigation to manage impacts. Officers have ensured that National Highways were made aware that both schemes were coming forward at this time.
- 10.34 Paragraph 118 of the NPPF sets out that "All developments that will generate significant amounts of movement should be required to provide a travel plan, and

the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored."

- 10.35 The application is accompanied by a framework Travel Plan which has been agreed by the relevant highway authorities, with the development deemed acceptable subject to a Full Travel Plan with long-term monitoring measures and therefore complies with the requirements of NPPF para. 118. Whilst concerns in respect of the lack of physical improvement to the Broadend Road/ A47 junction are noted, there is no concern raised by any highway body to indicate that this development, in combination with the proposed adjacent development would result in an unacceptable impact on highway safety, or severe cumulative impacts on the road network, following mitigation. In this regard, the NPPF at para. 116 is clear; that development should not be prevented or refused on highway grounds.
- 10.36 In conclusion, the development would secure an acceptable transport approach which would encourage sustainable modes of travel where possible and where the residual transport impacts would be acceptable. As such, the development is considered to accord with both local and national transport policies.

Design, Visual Amenity and the impact upon the Character of the Area

- 10.37 Policy LP16 requires developments to make positive contributions to the local distinctiveness and character of the area, enhancing local setting and responding to the character of the local built environment. Schemes should not adversely impact, either in design or scale, upon the street scene, settlement pattern of the landscape character of the surrounding area.
- 10.38 Maintaining Fenland landscapes forms a key part of the Council's Local Plan objective (in particular, policies LP3, LP12 and LP16). The Plan seeks to preserve landscapes which are designated or locally valued and retain the distinctive character of Fenland's landscapes. That said, it is inevitable that some of the district's landscape will alter within the plan period, in order to meet the Council's growth aspirations including housing delivery requirements and therefore that some character harm will occur.
- 10.39 The submitted Masterplan provides a framework for the development and is read in conjunction with the Landscape Masterplan, as well as with the detailed plans associated with the first Phase of the development.
- 10.40 A landscape Statement was prepared as part of the site assessment. The report included a Visual Effect assessment to establish the extent to which the site is visible from its surroundings. The site is not subject to any statutory landscape designations and does not contain any rare, valued landscape features. The character of the site is generally atypical of both the surrounding countryside (flat arable farmland, defined by hedgerows with heavy mature hedgerow tree coverage, tree belts and managed orchards) and developed area of Walsoken (defined by dense built form).
- 10.41 The local landscape character is assessed as medium value: in close proximity to the developed extent of Walsoken, due to the poor quality of the unmanaged landscape. Based on this analysis, the sensitivity of the immediate local landscape to the proposed development is assessed as being low. Landscape character assessment of the site itself suggests that the proposed development would result in high magnitude of change of land use from arable land and

unmanaged orchard to residential use. With the low sensitivity and high magnitude of change, the proposals would result in moderate neutral effect on the landscape character of the site. The proposed mitigation and enhancement planting measures once matured would help reinforce the character of the well-treed local landscape.

- 10.42 The first phase occupies the northwestern section of the site where the housing has been set back into the site, behind a line of drainage swales and tree planting, providing a green buffer which will soften its impact on the streetscene. All dwellings are 2-storey and deemed appropriate in scale for this area.
- 10.43 A green buffer along the western boundary will separate the development from Stow Lane, again helping to reduce its impact, albeit it is acknowledged that outlook from existing properties along this section and those travelling along Stow Lane will unavoidably alter as a result of the development. The reminder of the first phase will incorporate substantial tree planting, particularly along the spine road to create an attractive space and again, soften its urban appearance. Furthermore, the linear green corridor along the existing public Right of Way 'Walsoken Way' incorporates existing hedgerows and tree planting alongside new landscaped areas, as well as formal and informal children's play facilities and a community orchard. This landscaped area therefore forms a core amenity feature within the scheme, facilitating an attractive recreation space, in addition to being a key pedestrian route, whilst incorporating new and existing natural features. In additions, the attenuation pond at the southern extent of the first phase is proposed to be soft landscaped, incorporating native hedgerow and trees and will therefore assimilate well into the backdrop of the aforementioned open space area.

Existing Trees

- 10.44 An Arboricultural Implications Assessment was prepared by Andrew Belson in April 2022 in support of the hybrid planning application. The Assessment's aim was to survey the trees on or adjoining the site, in line with the recommendations of BS5837: 2012, and to provide a plan of Arboricultural constraints to inform design. This survey took place on 15th December 2021 but is still considered to be adequate as an evidence base.
- 10.45 The trees inspected are growing both within the site and on adjoining land. The main findings of the assessment are as follows:
 - The site incorporates land formerly used as tree nursery and conifer plantation.
 Although the trees in the conifer plantations can be seen from local roads, they are by nature, transient features in the landscape because they have been grown as a crop;
 - There is a partially-managed feature of two hedges that lie either side of the public footpath: 'Walsoken Walk';
 - Several Oak trees and a Field Maple also lie on the east-west public footpath.
 These trees are in good condition and are included in the TPO; and
 - In general, the natural generation of trees and the plant nursery remnant growth is not suitable for retention.
- 10.46 The scheme proposes to retain all but two TPO trees. These are identified as being semi-mature oak trees, circa 6 to 8m in height and category B1 value (T07 and T08) and are not considered by the applicant's or Council's tree experts to be of any significant value and their loss is considered acceptable in this instance.

The Council's tree officer has reviewed the arboricultural implications of the development and has concluded that the arboricultural impact assessment is suitable, identifies how the trees are likely to be affected and indicates that protection measures will be needed to ensure the trees shown to remain are adequately protected. A separate tree protection method statement will be required, detailing site supervision schedule, clearly outlining if and where ground protection, hand digging etc is required.

- 10.47 The tree officer notes that the survey date of the tree report was December 2021 and the report written in April 2022 and advises that the condition of the trees could have changed since the surveys were undertaken. As such, they have recommended that a current assessment of the trees is undertaken before works commence on site. This ensures for example, that if the condition of a tree has declined since last survey, this can be highlighted and not mistaken as having been damaged through the construction process.
- 10.48 It is considered that the landscape impact of the development, whilst unavoidable given the growth ambitions for this land, would be relatively low given the topography of the site, the proposal to retain some key natural features and to enhance in other areas and the overall scales proposed.
- 10.49 In respect of streetscape, whilst a majority of the development is in outline, the landscape masterplan indicates that the development could successfully integrate into this site whilst respecting some of the key landscape features e.g., through retention and enhancement of natural features. In respect of the first FULL phase, the development incorporates a strong frontage along the main streets and incorporates housing fronting onto Sandy Lane which is considered characteristic to the area. Furthermore, the scale and design of dwellings is relatively traditional and congruous to existing development. It is considered that the detailed phase would be appropriate and would accord with the design and character requirements of the development plan and Chapter 12 of the NPPF.
- 10.50 In conclusion, despite the inevitable adverse effects of built development upon the local landscape character and on a limited number of visual receptors immediately adjacent or overlooking the site, it is considered that there would be no unacceptable adverse effects that should preclude a sensitively designed proposed development in landscape and visual terms. The proposals are therefore in accordance with development plan policies LP16.

Housing mix

10.51 The housing mix proposed for the initial phase of the development comprises the following;

7 x 1 bed (7%) 22 x 2 bed (22%) 45 x 3-bed (45%) 26 x 4 bed (26%)

10.52 All homes are 2-storey in the first phase. Due to viability pressures, the applicant is proposing to provide 5% affordable housing, which would equate to 15 homes across the entire development of 300 dwellings. In such circumstances and based on current understanding, the affordable unit provision is unlikely to be viable for an affordable housing provider to take the stock on and it is recommended that an off-site contribution is instead secured against this

development. As such the focus on housing mix expectations should be of market homes.

10.53 The Council's latest housing needs assessment for the Fenland area (Housing Needs of Specific Groups GL Hearn, October 2021) broadly identifies the following preferred mix;

1-bed: 0-10% 2-bed: 25-35% 3-bed: 40-50% 4+bed: 15-25%

- 10.54 Having regard to the mix proposed, it broadly aligns with the recommendations as set out in the GL Hearn report. Whilst there are slight differences to the provision of 2 and 4-bedroom units in comparison to the report, these are not significant and it is acknowledged that the report captures the district as a whole and does not specifically set out mixes for Wisbech. In this regard, the housing mix is considered on balance to be acceptable for the first phase of development and will secure a good number of smaller, more affordable homes a specific area identified as being in need within the GL Hearn report.
- 10.55 The Housing mix for the remainder of the site is to be agreed as part of future reserved matters and a condition securing this detail can be reasonably imposed.
- 10.56 In summary, the first phase of the development will provide a good range of property sizes aiding to secure a balanced community in accordance with the broad aims of the Fenland Local Plan.

Residential Amenity

- 10.57 Local Plan Policies LP2 and LP16 seek to secure high quality living environments for both future users and existing residents, avoiding adverse impacts such as loss of light, overbearing and loss of privacy.
- 10.58 The general residential use of the land is not anticipated to result in significant acoustic changes once completed, with the use compatible with surrounding uses. Concerns have been raised as to the potential impacts on residential amenity. These include general concerns over pollution e.g., noise, light, odour and construction nuisance. In this regard, a Construction Management Plan (CMP) is necessary and should be submitted prior to works commencing for all phases. The CMP should also secure details of construction compounds and means to ensure that local highways are kept free of construction debris e.g., through an on-site wheel wash facility. The CMP can be reasonably secured via planning condition.
- 10.59 The first phase of 100 dwellings is fully committed and residential amenity impacts have therefore been considered. In this regard, owing to the scale of proposed dwellings and their separation from existing properties; with distances ranging from at least 20m to 30m, there are not anticipated to be any adverse impacts by way of overlooking, overshadowing or visual dominance. Likewise, whilst concerns have been raised regarding the location of tree planting along the western boundary, these features are considered to be important to assimilate the development into the area and act as a softening from the otherwise hard urban edge of the development. Again, the tree planting, proposed to be adjacent to Stow Lane is not anticipated to encroach into neighbouring amenity with set

distances of at around 20m from existing properties. Matters of layout, scale, appearance and landscaping and any impacts on residential amenity are to be fully assessed at later reserved matters stages under the Outline element. However, it is considered that the future development can be designed to ensure that the application does not have a materially detrimental impact on the amenity of adjoining neighbours or the future occupiers of the dwellings in matters such as overlooking, domination or overshadowing.

- 10.60 Concerns have also been raised over potential crime and fear of crime and risk of Anti-social Behaviour (ASB). The police's designing out crime team has considered the application and conclude that the site falls within an area of low risk to the vulnerability to crime and has offered advice in respect of tackling potential risks of crime through design. Notwithstanding, it would be expected that, through the introduction of housing at the site, resulting in more movement and potentially greater surveillance, this may assuage any intensification of ASB in this location.
- 10.61 The Police's recommendations centre mainly around reducing potential risk of crime to future occupiers of the development, with advice provided specifically in respect of plots where boundary treatments could be amended to improve surveillance over the rear parking areas, for example by lowering solid wall/ fence heights and introducing trellis or hit and miss fencing to the upper part, to enable views through into the parking areas. A condition requiring detailed design of these areas can be reasonably secured through planning condition. In addition, details of secure gated access serving rear gardens is also recommended to be provided.
- 10.62 Furthermore, a detailed lighting strategy is required to be secured across the development, to ensure that streets are adequately lit. This needs to be carefully balanced with the need to protect nocturnal creatures e.g., bats.
- 10.63 In respect of residential amenity for future occupiers, again dwellings have been laid out to avoid any undue overlooking or overbearing/ overshadowing impacts, with good separation and careful orientation. As noted above, occupiers will be supported by good pedestrian cycle links to enable and encourage active travel and access to areas of landscaped open space.
- 10.64 In conclusion, it is considered that the development, subject to conditions and appropriate design for future phases is not anticipated to result in any adverse impacts to residential amenity in accordance with Local Plan policies LP2, LP16 and LP17.

Flood Risk & Drainage

10.65 The majority of the site lies in an area at low flood risk from fluvial flooding (Flood Zone 1) and generally at low risk of surface water flooding, having regard to the Environment Agency's latest flood maps.

Surface Water Strategy

10.66 Infiltration testing was carried out on-site, to understand what opportunities might exist for filtration, rather than other means of disposal. However, the testing concluded that ground conditions were not viable for infiltration drainage methods at this site. As such, it is necessary to attenuate surface water on site, reduce flows before discharging to watercourses around the site.

- 10.67 The first phase commits a SuDS (Sustainable drainage systems) basin at the south of the development to support at least the first 100 units, along with swales located at the far north of the development. Further SuDS are proposed at the southernmost part of the application site to come forward with remaining outline proposals serving up to 200 units.
- 10.68 Amendments and clarification have been sought by both the LLFA and Internal Drainage Board during assessment of the application, with both parties now satisfied that the strategies are acceptable and that discharge consents can be managed and granted. One such matter that has been addressed is the need to ensure that watercourses are accessible for maintenance by a single body, rather than split across multiple households as originally proposed. The strategy now includes maintenance buffers and details of long-term management of these can be secured via condition. The stagey also proposes to clean out and regrade existing watercourses where these have been neglected and become blocked or ineffective.
- 10.69 In summary and subject to conditions securing; detailed design of the drainage measures; details of how construction drainage will be appropriately managed; and, a mechanism to ensure that the completed drainage measures are inspected and effectively 'signed off', the surface water management and disposal of the development is considered acceptable and accords with Local Plan policy LP14.

Foul Drainage

- 10.70 The incumbent sewerage provider for the area is Anglian Water Services Ltd. Foul sewage will be discharged to the foul sewer in Orchard Drive via pumps located adjacent to the open space for the first and some future phases, with a further pump at the far south western corner supporting some of the future phases.
- 10.71 Anglian Water has raised no concerns to the proposal. Whilst they have not recommended any planning conditions, it is considered necessary to secure final foul drainage details with future reserved matters associated with the outline element of this application.
- 10.72 In summary the drainage proposals are deemed appropriate for the development and accord with the aims of policies LP2 and LP14 of the Fenland Local Plan.

Biodiversity (including BNG)

10.73 Local Plan Policy LP16 seeks to protect and enhance biodiversity on and surrounding the proposal site and seeks to retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies. Policy LP19 seeks to take opportunities to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas. It also sets out that permission should be refused for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.

- 10.74 Chapter 15 of the NPPF amongst other things, broadly sets out that development should seek to take opportunities for secure net gain in biodiversity and as a minimum should not result in net loss. This approach has changed in recent months with the introduction of statutory 10% biodiversity net gain, however for this application which was submitted prior to this change, the baseline aim is in essence to achieve biodiversity net gain where possible but a minimum no net loss.
- 10.75 Throughout the assessment of the application, the Council's Ecologist has sought clarification on the ecological impacts and proposed mitigation measures. This has led to the applicant providing further ecology surveys and assessments, with amended mitigation proposals particularly in respect to impacts on invertebrates, Water Voles and Reptiles, birds and bats. The latest biodiversity metric indicates that development as a whole will likely result in a net loss of biodiversity value on the site, owing mainly to the loss of dense bramble scrub. To manage this, the applicant has identified an area of land located approximately 750m east of the site, beyond the strategic allocation which measures approximately 0.47ha. Enhancement of this area of land would achieve the necessary habitat units to offset any loss on site, resulting in no overall net loss to biodiversity in accordance with Local Plan policy LP19 and the NPPF.
- 10.76 The Council's ecology officer has requested a comprehensive biodiversity enhancement plan is secured, which provides details of measures to be implemented to ensure no net loss of biodiversity and long-term management plan for the offsite mitigation. In addition, and CEMP (Construction Ecological Management Plan) is required to ensure that on-site habitats are protected in accordance with the agreed ecology strategies. Furthermore, a landscape creation and management plan and lighting design scheme are recommended to be secured, to ensure that landscaping is delivered and managed appropriately and that streetlighting accords with the recommendations set out in the submitted lighting impact assessment, with particular regard to nocturnal animals. Finally, the Council's ecologist has recommended that Badger surveys should be undertaken prior to any ground clearance, in the event new habitats have formed.

Archaeology & Historic Environment

- 10.77 The Archaeology team at the County Council have assessed the site location and consider it necessary to secure a written scheme of investigation to ensure that the site is fully evaluated for potential historic value prior to intrusive ground works commencing. This can be reasonably secured via planning condition for both the Full and Outline elements.
- 10.78 There are no designated or non-designated buildings within or near to the site, with the closest being the grade II listed, 4 Burretgate Road (Austin House) which is set approximately 660m north of Sandy Lane in the KLWNBC district. It is considered that given the separation distances involved, the significance of the setting of this building will not be harmed.

S106/ Community Infrastructure

10.79 Local Plan policy LP13 sets out that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development.

- 10.80 Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle. Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Where a planning obligation is required, in order to meet the above principles of infrastructure provision, this will be negotiated on a site-by site basis. This will be required in addition to the affordable housing requirement as set out in Policy LP5.
- 10.81 Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) requires that S106 planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development. S106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 10.82 Having regard to the scale and nature of the proposal and further to consultation with statutory (and non-statutory) bodies to establish infrastructure requirements, in summary the following should be sought through this development;
 - Affordable Housing
 - Healthcare
 - Education & Libraries
 - Sports provision
 - Open Space
 - Transport Infrastructure
- 10.83 The BCP identifies likely viability constraints at early delivery phases of the allocation. Indeed, provision of 2.3 ha of land for primary school, upgrades to Sandy Lane and provision of utilities to a greenfield site form a significant up-front outlay, required before any homes can be occupied. In this regard, the applicant has undertaken a viability appraisal, setting out that contributions in respect of £600,000 and a 5% provision of affordable housing would be achievable. This is significant short of the total contributions and affordable housing as set out in local plan policy. The viability assessment has been reviewed by the Council's appointed consultant and concluded to be a reasonable evaluation of the development constraints.

Affordable Housing

- 10.84 As set out by the Council's Housing Team, on-site affordable housing scheme would be expected to provide 70% (affordable rented units and 30% shared ownership units which would align with the Council's current housing tenure demands. As noted however, due to the overall low quantum of affordable dwellings achievable (15 across the development) it is unlikely, based on current understanding, that an affordable housing provider would be able to commit to taking on the stock. In this instance therefore, a commuted sum commensurate to 15 affordable dwellings is likely to be secured, albeit the necessary \$106 agreement would build in an 'on-site first' approach as is standard.
- 10.85 The specific mix would be expected to be secured as part of the agreed scheme and phasing of the development. Subject to this, the scheme would accord with the requirements of Local Plan policy LP5.

Healthcare

10.86 Requests for financial contributions have been received from both NHS and East of England Ambulance service, to provide upgraded surgery facilities (total £195,329.50) and enhancements to Peterborough ambulance hub (total £106,275) respectively.

Education & Libraries

- 10.87 Cambridgeshire County Council as the education and libraries authority seek contributions towards;
 - Early Years (£531,970),
 - Primary school (Nil),
 - Secondary school (£1,692,088) and,
 - Libraries (£44,250)
- 10.88 In addition, due to the anticipated need to provide for a new primary school in the future, 2.3ha of land is requested to be safeguarded.

Sports Pitches

10.89 As noted above, the BCP envisages the provision of sports pitches within the core of the site and these would be expected to come forward under future phase, north of Sandy Lane. Notwithstanding, it is possible that the school land may incorporate publicly accessible pitch provision, subject to agreement by the relevant education authority operating the school in the future. In view of this, it is not considered necessary to secure contributions toward outdoor sports at this time.

Open Space

10.90 The scheme will be expected to provide a variety of formal and informal open spaces throughout the site. The Council is not currently seeking to adopt such areas and it would therefore be expected that unless the Town Council wish to take on future management of these spaces, a long-term management and maintenance scheme would be provided by the developer. Given the scale of the site and the ability to deliver a wide range of open spaces, including equipped areas of play, it is not considered necessary to seek off-site contributions in this instance.

Transport Infrastructure

- 10.91 The application has undergone significant discussion with regards to transport mitigation and general requirements. The following key infrastructure is required to be secured;
 - Provision of two on-site bus stops including Real Time Passenger Information (RTPI) signs
 - Contribution of £290,160 towards a demand responsive bus service (funding for a 3-year period)
- 10.92 The Transport financial contributions equate to £290,160 plus the cost of the offsite direct delivery works at Sandy Lane. These contributions and works are deemed necessary to make the development acceptable in transport terms. The Local Highway Authority initially requested a 5-year equivalent contribution of bus service (total £483,600). However, given the impact this would have on being able to meet other community infrastructure requests, the LHA has agreed to a

reduced 3-year provision on this occasion and hopes that as the wider allocation develops a more regular bus service will become viable.

10.93 Following the deduction of the £311,160 bus related contributions from the overall sum of £600,000, this leaves a residual amount of £288,840 to share across the education and healthcare requirements (which total £2,569,912) on a proportionate, pro-rata basis, which would work out as follows, based on a quantum of 300 dwellings;

Provider	% of Total contributions	Amount proposed based on 300 dwellings
NHS Estates	8	£ 21,954
EEAST (Ambulance)	4	£ 11,945
Early Years	21	£ 59,790
Secondary school	66	£ 190,179
Libraries	2	£ 4,973
Total		£ 288,840

- 10.94 It is acknowledged that this will not meet the whole needs of these services, however viability is a material consideration in decision making. It is an accepted point that the District has issues regarding viability and that this constraint has resulted in other sites, that have been granted planning permission, providing limited financial contributions. The shortfall in financial contributions will result in an additional burden on the existing facilities. However, the site is allocated within the current local plan and bringing forward the site results in benefits including the delivery of housing, facilities and amenities and affordable housing.
- 10.95 The Council's viability consultant has recommended that a review mechanism is included in the S106, with a review trigger at 80% occupations, to establish whether the predicted costs and returns align with the assumptions as set in the viability appraisal. This would mean that should the review yield any returns above expected profit levels, this additionality could be secured by the LPA and channelled toward assisting with deficiencies in the above the community infrastructure
- 10.96 In summary, it is concluded that the above infrastructure requirements are necessary to make the development acceptable and would meet the tests of CIL regulations in that they are, i) necessary to make the development acceptable in planning terms; ii) directly related to the development; and, iii) fairly and reasonably related in scale and kind to the development.

Other comments

Other Development proposals

- 10.97 One representation made relates to consideration of an approved Permission in Principle ('PiP') application (F/YR22/0802/PIP) for a development of up to 9 dwellings immediately north of the application site, within the BCP area.
- 10.98 A PiP approval does not constitute the grant of planning permission only an agreement in principle to development, taking into account the amount, use and location of the development. Whilst this has been agreed in principle, assessment of an application for planning permission would need to follow. The PiP application was agreed prior to the submission of the Seagate application.

- 10.99 Further to PiP approval, the LPA is in receipt of an Outline application with access committed for up to 9 dwellings at the same site (application reference: F/YR23/0985/O) and detailed design of the serving road and drainage infrastructure. The submission of application F/YR23/0985/O post-dates the submission of the Seagate application.
- 10.100 Whilst this latter application is yet to be determined, without prejudice the indicative layout does suggest that the land proposed to be reserved for the future roundabout on Sandy Lane may conflict with a number of the 9 plots proposed. This is a material consideration as there may be conflict with the ability to secure the roundabout if developed on. Local Plan Policy LP7 sets out that development of an urban extension (i.e. the specific locations for growth identified in Policies LP8-LP11) must be planned and implemented in a coordinated way. Without prejudice to the final determination of the 9-dwelling scheme, it may be consequential to the delivery of the broader vision for at least the southern extent of the allocation, in particular the application for 300 dwellings currently being considered here. In this regard, there is clearly great benefit in securing a scheme for 300 dwellings within an allocated site, plus ensuring that adequate highway infrastructure serves the remainder of the allocation, in this case through reserved land for a potential roundabout. As such, given the current proposals, it can be reasonably concluded that the 9house scheme could likely prejudice the wider allocation to come forward, contrary to policy LP7 and would not amount to a co-ordinated development as currently indicatively shown.

Lack of Community Consultation

- 10.101 Concerns have been raised regarding the lack of community consultation undertaken through this application. It is uncertain whether the concerns raised relate to the statutory duties of the LPA, or whether this refers to an expected level of consultation undertaken by the applicant. In respect of the LPA's duties, an advertisement for the application was placed in the Fenland Citizen on 10 August 2022 and numerous site notices were erected around the site on 7 September 2022. A total of 39 residents who either reside immediately adjacent to the site or are located opposite key accesses were sent postal notifications of the application on 3 August 2022. In summary, the LPA is considered to have fulfilled its statutory duties in respect to consultations.
- 10.102 In respect of the applicant's consultation approach, the Design and Access Statement sets out that public consultation was carried out in March and April 2022 to engage with community and key stakeholder, in order to inform the proposals for land at Sandy Lane, this involved a leaflet distribution to circa 2,250 addresses within the immediate local area.

11 CONCLUSIONS

11.1 The policies in the NPPF when taken as a whole constitute the Government's view of what sustainable development means. Paragraph 8 of the NPPF lists the three dimensions to sustainable development; the economic, social and environment objectives, and sets out that these roles should not be undertaken in isolation. Therefore, to achieve sustainable development a proposed development should jointly and simultaneously deliver net gains across each of these key objectives.

- 11.2 To be sustainable, development must strike a satisfactory balance between the applicable economic, environmental and the social considerations.
- 11.3 It is recognised that the development will result in some unavoidable landscape harm, however this is localised and inevitable given the development plan allocation. Furthermore, due to known viability constraints with the district, the full amount of infrastructure contributions cannot be secured. These matters are afforded moderate negative weight.
- 11.4 However, subject to the satisfactory completion of a S106 agreement, to ensure necessary infrastructure is secured to support this development, it is considered that:
 - the principle of development is acceptable in this location and compliant with the Development Plan and the NPPF,
 - the proposed parameters of development are acceptable and demonstrate the site can appropriately accommodate the development as described,
 - the proposed development will contribute to the creation of a mixed community,
 - it will promote healthy, active lifestyle through green space and recreation facilities,
 - it will maximise opportunities for use of public transport, walking and cycling
 - it will minimise pollution,
 - it will manage flood risk and drainage effectively,
 - it will result in no significant harm to heritage assets,
 - it will have no significant adverse impacts on features of landscape or ecological value, with opportunities identified to offset biodiversity loss through the development,
 - it will provide appropriate infrastructure to meet the needs generated by the development.
- 11.5 Having regard to national and local planning policies, and all comments received, and subject to the resolution of the S106 agreement, it is considered that the proposal would amount to sustainable development and would accord with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the development plan. Accordingly, the development should be approved.

12 RECOMMENDATION

- 12.1 Members are recommended to APPROVE the application in accordance with the following terms;
 - 1. The Committee delegates authority to finalise the terms and completion of the S.106 legal agreement and planning conditions to the Head of Planning; and,
 - 2. Following the completion of the S.106, application F/YR22/0844/O be approved subject to the draft planning conditions set out Appendix 1; or,
 - 3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the determination period to enable the completion of the S106 legal agreement or on the grounds that the applicant is unwilling to complete the obligation necessary to

make the development acceptable, or that the applicant is unwilling to agree to any necessary pre-commencement conditions associated with the FULL element of the permission, as per the requirements of S100ZA of the Act.

Appendix 1 - Proposed Draft Conditions to include the following;

FULL Application Conditions

Commencement

The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Archaeology

No development shall commence in any phase until the applicant, or their agents or successors in title, has implemented a programme of archaeological work for that phase, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works:
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019) and policy LP18 of the Fenland Local Plan, 2014.

3 Ecology Survey

Prior to any works including any site clearance, the development phase shall be subject to an updated Ecology survey to be undertaken by a qualified Ecologist. The findings and any recommendations of the survey shall be submitted to and approved in writing by the Local Planning Authority before works begin. The works shall thereafter be carried out in accordance with the recommendations as agreed in the survey report.

Reason: To ensure biodiversity is protected and enhanced in accordance with policies LP16 and LP19 of the Fenland Local Plan, 2014.

4 *CEMP* (biodiversity)

No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall incorporate recommendations of the Ecological Impact Assessment and must include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to

avoid or reduce impacts during construction (may be provided as a set of method statements)

- d) The location and timings of sensitive works to avoid harm to biodiversity features.
- e) The times during which construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure biodiversity is protected in accordance with policies LP16 of the Fenland Local Plan, 2014.

5 Arboricultural Assessment

Prior to any works, including clearance works commencing, an updated arboricultural impact assessment and arboricultural method statement shall be submitted to and approved in writing. The works shall thereafter be undertaken in accordance with the approved arboricultural method statement.

Reason: In the interests of visual amenity and biodiversity protection in accordance with policies LP16 of the Fenland Local Plan, 2014.

6 CMP

No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:

- a) Construction programme;
- b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures:
- c) Details of a temporary facilities area clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction;
- d) Details of restricted Construction hours;
- e) Details of restricted Delivery times and collections;
- f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-
- 1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites;
- h) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-
- 2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate;
- i) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition, and road sweepers to address depositing of mud on immediate highways;
- j) Use of concrete crushers:
- k) Prohibition of the burning of waste on site during demolition/construction;
- I) Site artificial lighting including hours of operation, position and impact on neighbouring properties;
- m) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- n) Screening and hoarding details;

- o) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- p) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures;
- q) External safety and information signing and notices;
- r) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures; and

The approved CMP shall be adhered to throughout the construction period and must demonstrate the adoption of best practice.

Reason: In the interests of protecting highway safety and residential amenity in accordance with policies LP2, LP15 and LP16 of the Fenland Local Plan, 2014.

7 Foul Drainage

Prior to the commencement of development, a scheme and timetable for the provision and implementation of foul water drainage shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.

Reason: To prevent environmental and amenity problems arising from flooding and to provide a satisfactory means of sanitation in accordance with Policies LP2, LP14 and LP16 of the Fenland Local Plan, 2014.

8 Surface Water Drainage strategy

No works shall commence until a detailed design of the surface water drainage and future management has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Woods Hardwick (ref: 19196/FRA and DS/Rev E) dated 29 November 2023 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- j) Full details of the maintenance/adoption of the surface water drainage system;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface

water.

I) Demonstration of how the drainage strategy for the development phase relates to other development phases within the application site.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

The scheme shall be fully implemented in accordance with the approved details and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy LP14 of the Local Plan.

9 Construction drainage

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works for the relevant phase have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development in accordance with Policy LP14 of the Local Plan, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

10 Drainage completion

Upon completion of the surface water drainage system for the relevant phase, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development in accordance with policy LP14 of the Fenland Local Plan, 2014.

11 | Soft and hard landscaping

No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels earthworks to be carried out
- b) hard surfacing, other hard landscape features and materials
- c) planting plans, including specifications of species, sizes, planting centres number and percentage mix

d) management and maintenance details

All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.

12 LEMP

A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior development proceeding above slab level. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives (including biodiversity net gain).
- e) A scheme of biodiversity enhancements
- f) Prescriptions for management actions
- g) Preparation of the work schedule (including an annual work plan capable of being rolled forward over a 30-year period and BNG audit)
- h) Details of the body or organisation responsible for implementation of the plan
- i) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the development with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

A 5 yearly report shall be submitted to the LPA confirming the progress of the LEMP and results of any monitoring work.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter in perpetuity.

Reason: To ensure the visual impacts of the development are appropriately managed and that biodiversity is protected and enhanced in accordance with policies LP16 and LP19 of the Fenland Local Plan, 2014.

13 | Public Rights of Way

Prior to works proceeding above slab level, a public rights of way scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how any existing rights of way within the development will be protected and enhanced and made available for future users of the rights of way, including details of any surfacing, signage and improved accessibility.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that rights of way are protected and enhanced where possible in accordance with policies LP7 and LP15 of the Fenland Local Plan, 2014.

14 *Materials*

No development above slab level for any dwelling or garage shall take place until full details of the materials to be used for the exterior walls and roofs for the dwellings and garages have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details unless minor variations are otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.

15 | Boundary treatments

Notwithstanding the plans submitted and approved, prior to works above slab levels details of boundary treatments for the following plots as shown on Site Layout plan ref: SLW-SH-PD-SL-02-P shall be submitted to and approved in writing by the Local Planning Authority.

The relevant plots are; 27;28;36;46;47;48;49;59;70;73;and, 83.

The details shall demonstrate that appropriate surveillance is achieved onto the associated parking areas. The development shall thereafter be carried out in accordance with the details approved and the approved boundary treatments for these specific plots retained and maintained as detailed, notwithstanding the provisions of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Reason: In order to ensure that the development provides suitable surveillance in order to reduce the risk and fear of crime in accordance with policies LP7 and LP17 of the Fenland Local Plan, 2015.

16 Cycle stores

Prior to works proceeding above slab level, full details of a scheme for cycle storage for each dwelling shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of each respective dwelling.

Reason: In the interests of security, the convenience of cyclists at the premises, and to encourage sustainable forms of transport in accordance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

17 Lighting

A scheme for lighting including management and maintenance details shall be submitted to and be approved in writing by the Local Planning Authority prior development proceeding above slab level.

The scheme shall be accompanied by a technical report prepared by a qualified competent person setting out;

- i) the specification of lights and lighting structures,
- ii) locations and heights of all lighting,
- iii) the light levels to be achieved over the intended area and at the development site boundaries and the surrounding area.

The approved scheme shall be implemented on site prior to first occupation of the development, or in agreed phases and thereafter retained and maintained as such thereafter.

Reason: To safeguard the residential amenity and security of occupiers, the visual impact of the development and protection of nocturnal biodiversity in accordance with policies LP2, LP16, LP17 and LP19 of the Fenland Local Plan 2014.

18 Fire Hydrants

No development above slab level shall take place until details for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling is occupied or in agreed phases.

Reason - To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.

19 Orchard Drive pedestrian link

Prior to works proceeding above slab level, full details of a pedestrian/ cycle link to Orchard Drive shall be submitted to and approved in writing by the Local Planning Authority.

The pedestrian/ cycle link to Orchard Drive shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development connects effectively to the wider settlement to establish multi-modes of travel and sustainable travel options in accordance with policies LP7 and LP15 of the Fenland Local Plan, 2014.

20 | Sandy Lane improvements

Prior to the first occupation of any dwelling within the site, the Sandy Lane access and improvement works, as shown in principle on drawing 3739.SK05 Rev P10, shall be completed in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.

21 Binder course prior to first occupation

Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining adopted highway.

Reason: To ensure that each dwelling is appropriately served by highway infrastructure in the interests of highway safety and sustainability in accordance with policies LP15 and LP16 of the Fenland Local Plan, 2014.

22 | Management of Estate Roads

Prior to the occupation of the first dwelling within each phase, full details of the proposed arrangements for future management and maintenance of the proposed

streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.

23 | Parking and turning

Prior to the first occupation of each dwelling, the proposed on-site parking/turning area for that dwelling shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

24 Bus Stops

Prior to first occupation of any development, two new bus stops shall be delivered on the main spine road within the site. These works shall include but not be limited to, a bus shelter at Stow Lane, 2 behind the footway on third party land and maintained by a management company, standalone RTPI, flag, pole and bus timetable. Details to be submitted to and agreed in writing with the Local Planning Authority and works to be carried out by the developer.

25 Refuse collection strategy

Prior to the first occupation of the development hereby approved a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.

Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, 2014 and policy 14 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan, 2021.

26 Travel Plan

Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a detailed Travel Plan which has first been submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall follow the principles as set out in the submitted framework Travel Plan and shall include;

- i) Measures and incentives inclusive of bus vouchers, bike vouchers, other such incentives for sustainable travel where evidence supports this and/or active travel vouchers to promote sustainable travel.
- ii) A householder Welcome Pack to be provided to each household of the development on first occupation, advising them of sustainable travel options and incentives.

The Travel Plan is to be monitored annually with all measures reviewed to ensure targets are met and/ or mitigation is secured where monitoring indicates this is necessary. The travel plan shall be active for a year post occupation of the last dwelling of the development.

Reason: To encourage sustainable modes of travel in accordance with policy LP15 of the Fenland Local Plan, 2014.

27 Unsuspected Contaminated Land
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full

Reason: To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with policies LP2, LP14 and LP16 of the Fenland Local Plan, 2014.

28 | Approved Plans

OUTLINE Application Conditions

1 Reserved Matters

Approval of the details of:

- i. the layout of the site
- ii. the scale of the building(s);
- iii. the external appearance of the building(s);

accordance with the amended remediation strategy.

iv. the landscaping

(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.

Reason: To enable the Local Planning Authority to control the details of the development hereby permitted.

2 Reserved matters timing

Application for approval of the first Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Application for approval of the last Reserved Matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.

Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

3 Commencement

The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

4 Quantum

The residential elements of the development shall not exceed 200 dwellings (Use Class C3).

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

5 Phasing Plan

With the exception of the approved accesses, the development shall be undertaken in phases in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to or concurrently with the submission of the first reserved matters. The phasing plan will need to demonstrate through supporting evidence that the phasing approach proposed will not result in severe harm in highway, amenity, drainage and biodiversity terms. With the exception of the approved accesses, development shall not commence on each development phase until all reserved matters for that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason - For the avoidance of doubt and to allow development to be undertaken and conditions to be discharged on a phased basis.

6 Conformity

Development shall be in broad conformity with the Masterplan (Drawing No. SLW-SH-PD-MP-3-H), and the spatial principles of the Parameter Plans submitted within the Design and Access Statement (P22-0602_23C), save for minor variations where such variations do not substantially deviate from these details.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

7 Housing mix

Prior to or alongside the submission of Reserved Matters for each phase, a housing mix scheme shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters shall accord with the approved housing mix scheme.

The scheme shall include:

- A plan showing the location and distribution of market and affordable units (including tenure type). The plan shall also identify the proximity of the site with adjacent land parcels and the tenure types within both, in respect of any development parcel where Reserved Matters have already been approved.
- A schedule of dwelling sizes (by number of bedrooms).
- A statement which demonstrates how the proposals contribute to current and future housing needs as identified in the most recently available evidence relating to the locality.

Development shall not commence until the housing mix scheme has been approved in writing by the Local Planning Authority.

Reason: In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community in accordance with Policy LP3 of the Fenland Local Plan and guidance contained within the National Planning Policy Framework.

8 Archaeology

No development shall commence in any phase until the applicant, or their agents or successors in title, has implemented a programme of archaeological work for that phase, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019) and policy LP18 of the Fenland Local Plan, 2014.

9 Ecology Survey

Prior to any works including any site clearance, the relevant development phase shall be subject to an updated Ecology survey to be undertaken by a qualified Ecologist. The findings and any recommendations of the survey shall be submitted to and approved in writing by the Local Planning Authority before works begin. The works shall thereafter be carried out in accordance with the recommendations as agreed in the survey report.

Reason: To ensure biodiversity is protected and enhanced in accordance with policies LP16 and LP19 of the Fenland Local Plan, 2014.

10 CEMP (biodiversity)

No development shall take place in each phase (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall incorporate recommendations of the Ecological Impact assessment and must include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timings of sensitive works to avoid harm to biodiversity features
- e) The times during which construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure biodiversity is protected in accordance with policies LP16 of the Fenland Local Plan, 2014.

11 Arboricultural Assessment

Prior to any works including clearance works in any phase commencing, an updated arboricultural impact assessment and arboricultural method statement shall be submitted to and approved in writing. The works shall thereafter be undertaken in accordance with the approved arboricultural method statement.

Reason: In the interests of visual amenity and biodiversity protection in accordance with policies LP16 of the Fenland Local Plan, 2014.

12 *CMP*

No development shall commence in each phase until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:

- a) Construction programme;
- b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures;
- c) Details of a temporary facilities area clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction;
- d) Details of restricted Construction hours;
- e) Details of restricted Delivery times and collections;
- f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-
- 1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites;
- h) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-
- 2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate;
- i) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition, and road sweepers to address depositing of mud on immediate highways:
- j) Use of concrete crushers;
- k) Prohibition of the burning of waste on site during demolition/construction;
- I) Site artificial lighting including hours of operation, position and impact on neighbouring properties;
- m) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- n) Screening and hoarding details;
- o) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- p) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures;
- q) External safety and information signing and notices;
- r) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures; and

The approved CMP shall be adhered to throughout the construction period and must demonstrate the adoption of best practice.

Reason: In the interests of protecting highway safety and residential amenity in accordance with policies LP2, LP15 and LP16 of the Fenland Local Plan, 2014.

13 | Foul Drainage

Prior to or concurrently with the submission of each reserved matters development phase application, a scheme and timetable for the provision and implementation of foul water drainage for that phase shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.

Reason: To prevent environmental and amenity problems arising from flooding and to provide a satisfactory means of sanitation in accordance with Policies LP2, LP14 and LP16 of the Fenland Local Plan, 2014.

14 Phase surface water drainage

Prior to or concurrently with the submission of each reserved matters development phase application, a detailed design of the surface water drainage of that development phase shall be submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Woods Hardwick (ref: 19196/FRA and DS/Rev E) dated 29 November 2023 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- j) Full details of the maintenance/adoption of the surface water drainage system;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface water.
- I) Demonstration of how the drainage strategy for the development phase relates to other development phases within the application site.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

The scheme shall be fully implemented in accordance with the approved details and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy LP14 of the Local Plan.

15 | Construction drainage

No development of any phase, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works for the relevant phase have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation

before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development in accordance with Policy LP14 of the Local Plan, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

16 Drainage completion confirmation

Upon completion of the surface water drainage system for the relevant phase, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development in accordance with policy LP14 of the Fenland Local Plan, 2014.

17 | *LEMP*

A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior development proceeding above slab level for each development phase. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives (including biodiversity net gain).
- e) A scheme of biodiversity enhancements
- f) Prescriptions for management actions
- g) Preparation of the work schedule (including an annual work plan capable of being rolled forward over a 30-year period and BNG audit)
- h) Details of the body or organisation responsible for implementation of the plan
- i) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the development with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

A 5 yearly report shall be submitted to the LPA confirming the progress of the LEMP and results of any monitoring work.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter in perpetuity.

Reason: To ensure the visual impacts of the development are appropriately managed and that biodiversity is protected and enhanced in accordance with policies LP16 and LP19 of the Fenland Local Plan, 2014.

18 Rights of Way

The reserved matters for each development phase shall be supported by details of how any existing rights of way within the phase shall be protected and enhanced and made available for future users of the rights of way, including details of any surfacing, signage and improved accessibility and a timetable for its delivery.

Reason: To ensure that rights of way are protected and enhanced where possible in accordance with policies LP7 and LP15 of the Fenland Local Plan, 2014.

19 Connectivity to adjacent development

The reserved matters for each development phase shall demonstrate how the phase will connect or be able to be connected by adjacent development parcels via vehicular and pedestrian/ cycle routes and shall ensure that access is unfettered and terminated at the boundary of the development phase and made permanently ready for connectivity by the adjacent development parcels. Development shall be carried out in accordance with the details approved.

Reason: To ensure that the development connects effectively to the wider allocation to encourage multi-modes of travel and efficient travel options in accordance with policies LP7 and LP15 of the Fenland Local Plan, 2014.

20 Lighting

A scheme for lighting including management and maintenance details shall be submitted to and be approved in writing by the Local Planning Authority prior development proceeding above slab level for each development phase.

The scheme shall be accompanied by a technical report prepared by a qualified competent person setting out;

- i) the specification of lights and lighting structures,
- ii) locations and heights of all lighting,
- iii) the light levels to be achieved over the intended area and at the development site boundaries and the surrounding area.

The approved scheme shall be implemented on site prior to first occupation of the development phase, or in agreed sub-phases and thereafter retained and maintained as such thereafter.

Reason: To safeguard the residential amenity and security of occupiers, the visual impact of the development and protection of nocturnal biodiversity in accordance with policies LP2, LP16, LP17 and LP19 of the Fenland Local Plan 2014.

21 Fire Hydrants

No development above slab level within a development phase shall take place until details for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling within the respective development phase is occupied.

Reason - To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.

22 | Refuse strategy

Prior to the first occupation of the development phase, a refuse collection strategy

shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.

Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.

23 | Management of Estate Roads

Prior to the occupation of the first dwelling within each phase, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development phase shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.

24 | Binder course

Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining adopted highway.

Reason: To ensure that each dwelling is appropriately served by highway infrastructure in the interests of highway safety and sustainability in accordance with policies LP15 and LP16 of the Fenland Local Plan, 2014.

25 Orchard Drive vehicular access

No more than 100 dwellings within the application site shall be occupied until details of a vehicular access connection to Orchard Drive has been submitted to and approved in writing by the Local Planning Authority. The design shall follow the principles established under drawing: 3739.SK006 Rev P5. The access connection shall be completed prior to occupation of the 101st dwelling within the application site.

Reason: To ensure that the development connects effectively to the wider settlement to establish multi-modes of travel and efficient travel options in accordance with policies LP7 and LP15 of the Fenland Local Plan, 2014.

26 | Broadend Road

No more than 100 dwellings within the application site shall be occupied until details of an improvement scheme for Broadend Road has been submitted to and approved in writing by the Local Planning Authority and subsequently delivered (unless an alternative appropriate scheme has been provided by other developments within the strategic allocation).

Reason: In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.

27 Travel Plan

Prior to first occupation of each phase, the developer shall be responsible for the provision and implementation of a detailed Travel Plan which has first been submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall follow the principles as set out in the submitted framework Travel Plan and shall include:

i) Measures and incentives inclusive of bus vouchers, bike vouchers, other such

incentives for sustainable travel where evidence supports this and/or active travel vouchers to promote sustainable travel.

ii) A householder Welcome Pack to be provided to each household of the development on first occupation, advising them of sustainable travel options and incentives.

The Travel Plan is to be monitored annually with all measures reviewed to ensure targets are met and/ or mitigation is secured where monitoring indicates this is necessary. The travel plan shall be active for a year post occupation of the last dwelling of the development.

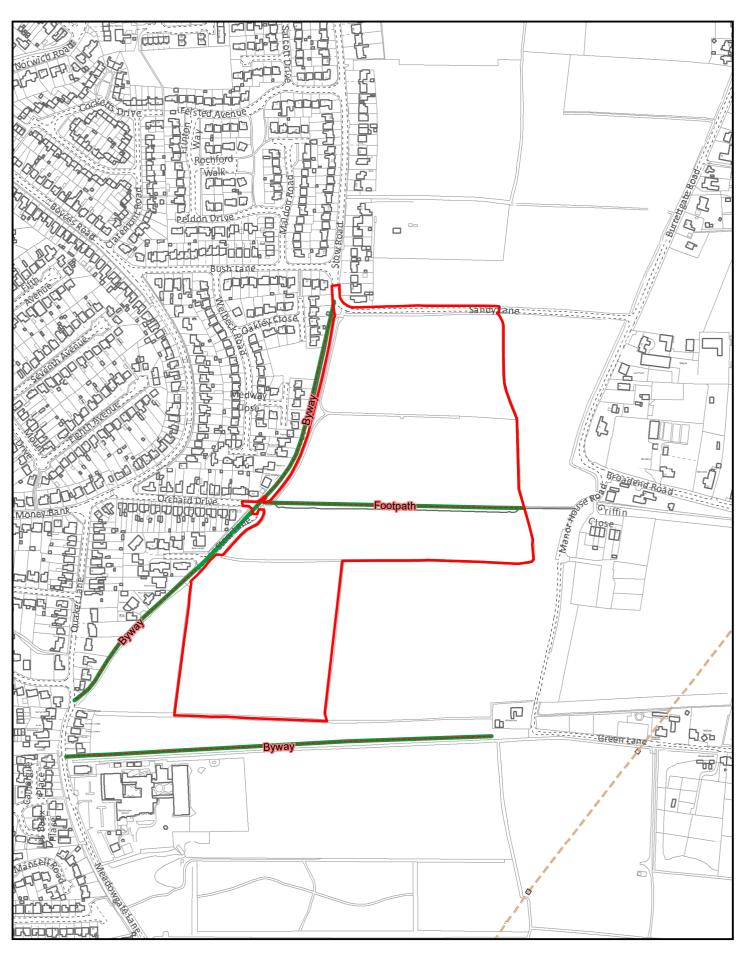
Reason: To encourage sustainable modes of travel in accordance with policy LP15 of the Fenland Local Plan, 2014.

28 | Contaminated Land

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.

Reason: To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with policies LP2, LP14 and LP16 of the Fenland Local Plan, 2014.

29 Approved Plans (insofar as they relate to access)



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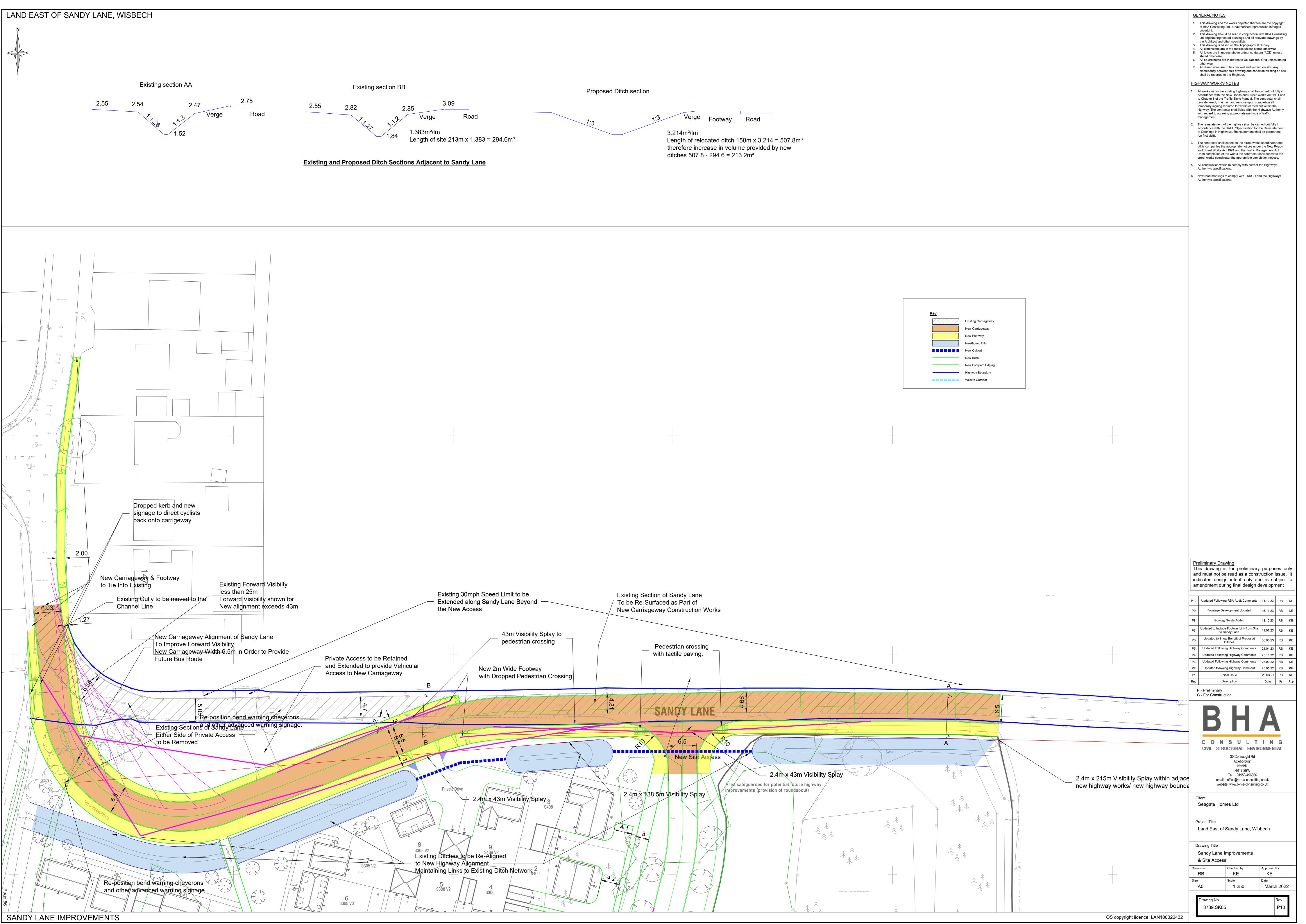


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IF IN DOUBT ASK!

LAND RETAINED FOR POTENTIAL SCHOOL / COMMUNITY AREA 5.6 Acres - 2.3 Hectares



North Facing Elevation E-E (1:200 scale)



East Facing Elevation D - D (1:200 scale)



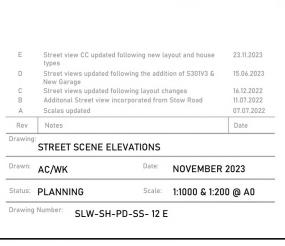
North Facing Elevation C-C (1:200 scale)



South Facing Elevation B-B (1:200 scale)



East Facing Elevation A-A (1:200 scale)



Block Plan 1:1000 scale



F/YR24/0457/F

Applicant: Mr Alex Ross Agent: Mr Ben Wheeler Pathfinder Clean Energy UKDev Ltd Third Revolution Projects

Land At Treading Field, Treading Drain, Tydd St Giles, Cambridgeshire

Installation of 49.9MW ground mounted solar photovoltaic panels with associated battery storage, substation and ancillary plant and infrastructure, and erection of security fencing and pole mounted CCTV cameras

Officer recommendation: Grant

Reason for Committee: Number of neighbour representations in conflict with the officer recommendation.

Government Planning Guarantee

Statutory Target Date For Determination: 29 August 2024

EOT in Place: Yes/No

EOT Expiry: 19 May 2025

Application Fee: £0

Risk Statement:

This application must be determined by 19 May 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This application seeks full planning permission for the installation of a 49.9MW ground mounted solar photovoltaic panels with associated battery storage, substation and ancillary plant and infrastructure, and erection of security fencing and pole mounted CCTV cameras.
- 1.2 The proposed development would contribute positively to environmental sustainability, by providing a significant contribution to renewable energy generation and energy storage; contributing towards addressing climate change and improving energy security and resilience. The proposed development would contribute positively towards social and economic sustainability by increasing reliability of the grid to support a growing need from local residential and business properties, and by potentially contributing towards lower costs of energy provision. The proposed development would provide additional environmental benefits resulting from a significant biodiversity net gain; and additional economic benefits resulting from employment during the construction, operation and decommissioning phases of the development. It is considered that these factors attract significant weight in favour of the application in the overall planning balance.

- 1.3 The proposed development would not result in any significant harm in respect of residential amenity, high safety and transport, Public Rights of Way, flood risk and drainage, archaeology, trees, fire risk, aviation and crime. It is considered that these factors attract neutral weight in the overall planning balance.
- 1.4 The proposed development would result in harm to the character and appearance of the area and BMV land being taken out of arable production. It is considered that these factors attract moderate weight against the application in the overall planning balance.
- 1.5 Whilst it is acknowledged there are some matters that weigh against the development, it is considered that the identified benefits which would result from the proposed development, particularly the significant contribution of the proposed development towards addressing climate change, outweighs the moderate harm identified. It is therefore recommended that the planning permission is granted.

2 SITE DESCRIPTION

- 2.1 The application site comprises approximately 140.5 hectares of agricultural land, with approximately 66.2 hectares located within the Fenland district and approximately 74.3 hectares located within the South Holland district. The application site is therefore cross-boundary between the districts of Fenland and South Holland and also cross-boundary between the counties of Cambridgeshire and Lincolnshire.
- 2.2 The application site has a reasonably flat topography which is generally consistent with the surrounding fen landscape. The vast majority of the application site comprises agricultural fields, with other notable features within the application site comprising drainage ditches, trees, electricity pylons, a Public Bridleway (Path Number 13: Tydd St Giles), a Public Byway (Path Number 19: Tydd St Giles), and two Public Footpaths (Public Footpath SuSE/8/1 and Public Footpath Tydd/4/1).
- 2.3 The application site is located within Flood Zone 3.
- 2.4 The western boundary of the application site is predominantly located adjacent to the Straight Reach (Drain); though part of the application site extends along Public Footpath SuSE/8/1 and adjoins Guanockgate Road to the west of the Drain. The application site is otherwise surrounded by agricultural land.
- 2.5 The nearest residential properties to the application site are located along Guanockgate Road (to the north and west), Broad Drove West (to the east) and Eloe Bank (to the south).
- 2.6 The nearest heritage assets to the application site comprise the Church of St Edmond (Grade II listed) located approximately 1 kilometres to the west, Honeyhill Farmhouse (Grade II listed) located approximately 1.5 kilometres to the south, Guanock House (Grade II listed) located approximately 1.1 kilometres to the north, and a standing cross Scheduled Monument (Historic England List Entry Number 1010672) located approximately 3 kilometres to the north.

3 PROPOSAL

- 3.1 This application seeks full planning permission for the installation of a 49.9 megawatt (MW) ground mounted solar photovoltaic (PV) farm and a 30MW Battery Energy Storage System (BESS). The main components of the proposed development, as a whole, comprise:
 - Solar PV panels mounted up to approximately 3.5 metres above ground-level on galvanised metal frames;
 - 16No. Solar Inverter cabins;
 - A BESS compound, containing 38No. BESS containers and auxiliary systems such as fire suppression and alarm systems, ventilation and cooling systems, internal lighting and thermal control systems;
 - Inverter cabins (containing inverters and transformers);
 - A substation;
 - Wire mesh deer fencing (approximately 2 metres high) containing small mammal gates, vehicle entrance gates and Closed Circuit Television Cameras (CCTV):
 - An equipment storage building;
 - Access tracks;
 - Underground engineering operations
- 3.2 Planning permission is sought for a temporary period of 42 years, to accommodate up to one year for construction, up to 40 years for operation and up to one year for decommissioning.
- 3.3 The proposed development would be located partly within Fenland (and Cambridgeshire) and partly within South Holland (and Lincolnshire). The proposed development would be accessed from Guanockgate Road, which is located within South Holland (and Lincolnshire). Fenland District Council are only the determining body for the elements of the proposed development located within Fenland. The applicant has submitted a separate planning application (reference: H19-0329-24) to South Holland District Council for the elements of the proposed development located within South Holland.
- 3.4 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4. SITE PLANNING HISTORY

4.1 Fenland District Council:

F/YR22/1070/SC - Screening Opinion: Installation of a solar farm – Environmental Statement not required (Decision date: 11th October 2022)

F/YR11/0113/F - Erection of 4no wind turbines (maximum height to tip 126.0 metres, hub height 80.0 metres), a 80.0 metre high permanent meteorological mast, substation, external transformers, temporary construction compound and formation of access tracks, hardstanding areas and associated infrastructure – Refused (Decision date: 3rd July 2012)

F/YR09/0395/SC - Screening & Scoping Opinion: Erection of 2 wind turbines - Environmental Statement not required (Decision date: 20th July 2009)

4.2 South Holland District Council:

H19-0329-24 - Temporary ground mounted solar photovoltaic (PV) farm with battery storage, substation and associated works – Pending consideration

H19-0081-11 - Installation of 2 wind turbines with maximum height to tip of 126 metres, substation, access tracks, hardstanding areas, external transformers and associated infrastructure (part of a larger scheme of 6 turbines) – Refused (Decision date: 19th December 2012)

5 CONSULTATIONS

5.1 Tydd St Giles Parish Council (16/12/2024)

[Further to a previous response (28/06/2024) which did not support the application]

"Due to the time constraints for this reconsultation, it has not been possible for the Parish Council to meet to consider a response. Members of the Council have received the documentation and responded individually, and those responses are summarised as follows.

Members have acknowledged the thorough and detailed response to their previous concerns. They remain opposed to the use of viable agricultural land for solar energy generation but recognise that this is no longer a significant issue in national policy. They note the applicant's proposals regarding noise, the bridleway and road damage during the construction phase, and consider these to be satisfactory. The revised proposals for the Community Benefit Fund are a significant improvement on the earlier discussions and offer a lasting benefit to the local community.

In view of the above observations, the Council no longer objects to the application and requests that the conditions relating to damage to the highway during construction and noise monitoring after construction, as outlined in the applicant's response to the Parish Council, be included in any consent granted under this application.

5.2 CCC Highways Development Management (26/06/2025)

On behalf of the Local Highway Authority, I raise no objections to the proposed development.

The proposed access route to the site for construction and decommissioning (Preferred Route 2 via B1166/B1167) lies within Lincolnshire & Peterborough, with access to the Trunk Road Network at the A47 New cut roundabout. Accordingly, LCC, PCC and National Highways should be consulted on the proposals.

It is assumed that the routing of construction vehicles and any associated mitigation will be formally agreed with the respective highway authorities and secured by condition as may be deemed appropriate, together with the requirement for any CTMP / CEMP or any off-site mitigation.

A proportion of employee trips may utilise the local highway network within Cambridgeshire County Council's administrative area south of the New South Eau (Drain), however, the level of movements likely to be generated, the nature of the highways, and the limited duration of the construction period does not raise any

undue concern in this respect. Similarly, traffic through the operational phase of the development is not considered to be material.

Accordingly, on the basis of the current application details, I have no objections in principle; however, please do reconsult this Authority if there are any material changes to the proposals during the planning process i.e. construction traffic is rerouted through Cambridgeshire County Council's administrative area.

I note that CCC Definitive Map Team has been consulted directly in relation to the impact of the development upon the Public Rights of Way network.

In the event that the LPA are mindful to approve the application, please append the following Condition to any consent granted:

 No Vehicular Access: No vehicular access shall be made to Broad Drove West or Elloe Bank.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

5.3 FDC Environmental Health (01/07/2024)

The Environmental Health team note and accept the submitted information and in principle have 'No Objections' to the proposed development.

A noise impact assessment has been undertaken by Hepworth Acoustics Ltd, the report (ref: P23- 441-R01v2) dated May 2024 for which has been submitted, and the findings noted and accepted by Environmental Health. The findings of the noise impact assessment, undertaken in accordance with the guidelines set out in relevant British Standard guidelines, indicated that no unacceptable noise impact is anticipated as a result of proposed development. However, the report suggested that additional mitigation should be applied to reduce noise emissions of the proposal. As such, this service would request that a condition is imposed specifying that the scope of work detailed in sections 5.17-5.20 of the noise impact assessment report is undertaken to protect the amenities of the nearby residential properties.

Furthermore, this service welcomes the restricted working hours detailed in section 7.6.2 of the Tydd Solar Transport and Access Statement, by Apex Transport Planning Ltd (ref 2024 C23103/TS0), to limit potential noise impacts on nearby residential properties during the construction phase.

5.4 Natural England (13/06/2024)

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Soils and Agricultural Land Quality

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards.

Although some components of the development, such as construction of a substation, may permanently affect agricultural land this would be limited to small areas. However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient

cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

In the absence of soil survey information, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Code of Practice for the Sustainable Use of Soils on Construction Sites.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade). General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Annex A contains general advice relating to the following:

- Landscape
- Best and most versatile agricultural land and soils
- Protected Species
- Local sites and priority habitats and species
- Ancient woodland, ancient and veteran trees
- Environmental gains
- Access and Recreation
- Rights of Way, Access land, Coastal access and National Trails
- Biodiversity duty

5.5 Environment Agency (28/06/2024)

We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.

Flood Risk

As part of this application, our Lincolnshire and Northamptonshire Sustainable Places team coordinated a pre-application service for the applicant. This was concluded that whilst the site is situated within Flood Zone 3, it is outside of the tidal hazard mapping for a breach in the defences for a flood that has a 0.1% chance of occurring in any one year up to 2115, and we therefore do we have concerns over the flood risk to site. We are satisfied in East Anglia that both the South Holland and Fenland areas were reviewed within this pre-application service.

Battery Energy Storage Systems (BESS)

As the proposal includes the use of BESS we have included the below information for consideration.

Environmental Considerations

Battery Energy Storage Systems (BESS) have the potential to pollute the environment. Applicants should consider the impact to all environmental receptors during each phase of development. Particular attention should be applied in advance to the impacts on groundwater and surface water from the escape of firewater/foam and any contaminants that it may contain. Suitable environmental protection measures should be provided including systems for containing and managing water run-off. The applicant should ensure that there are multiple 'layers of protection' to prevent the source1pathway-receptor pollution route occurring. Further Government guidance on considering potential risks of BESS in planning applications is available online: Renewable and low carbon energy - GOV.UK (www.gov.uk).

Regulations for Batteries and Waste

Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market. The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not End 2 consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

However, an important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- Take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- Ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;

- Keep a record of the amount of tonnes of batteries placed on the market and taken back;
- Register as a producer with the Secretary of State;
- Report to the Secretary of State of the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Fire Strategy Report

Contaminated Water Storage System

We are satisfied with the proposed method of handling contaminated water as detailed in the submitted Fire Strategy Report. We would like to request that we are re-consulted on any further details submitted in relation to the design of the contaminated water collection system, referred to in section 6.5.

Movement of Waste off-site – Duty of Care & Carriers, Brokes and Dealers Regulations

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: Waste_duty_of_care_code_of_practice.pdf (publishing.service.gov.uk).

If you need to register as a carrier of waste, please follow the instructions here: Register or renew as a waste carrier, broker or dealer - GOV.UK (<u>www.gov.uk</u>).

Characterisation and classification of waste

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-

hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: Classify different types of waste: Overview - GOV.UK (www.gov.uk).

5.6 CCC Historic Environment Team (23/04/2025)

[Further to previous responses (13/06/2024 and 26/02/25) requesting a archaeological trial trenched evaluation to be completed prior to determination of the application]

We have received and reviewed a geoarchaeological report this week, which includes C14 dating alongside diatom and pollen analysis (Cambridgeshire Historic Environment Record reference ECB7231). The analysis was aimed at reconstructing the past environment of the development fen area, providing a deposit model and assessing the formation processes of the fen deposits, and dating the peat deposits found during the borehole work. The analysis revealed the deeper fen to have been a brackish marine environment throughout the Holocene, with areas of dry deciduous woodland in the area. Peat formation was C14 dated to the Mesolithic (lower peat) and late Neolithic (upper peat).

We are also in receipt of an approved geophysical survey report which identifies the areas of higher drier ground known as roddon crests (CHER ref. ECB7006). A program of archaeological trial trenched evaluation was advised to target these areas of higher ground, which would have been more suitable for human habitation. The fieldwork phase for this has been ongoing over the past few weeks with the final field in the Cambridgeshire side being signed off for backfilling. Information supplied from site and from site visits undertaken by CHET, has shown the roddon surface to have been identified, where a number of smaller sinuous water filled channels and other archaeological features have been excavated.

To date all that is outstanding in terms of the archaeological evaluation phase, is the final report for the trial trenching. Following discussion with our counterparts in Lincolnshire and based on the information received to date, including the geoarchaeological report, geophysics report and information gained from the ongoing trial trenching, we would advise that further mitigation works and the remainder of the evaluation works can be secured by condition.

Without the final evaluation report we will be unable to advise on the need and scope of further mitigation works. As such we would have to recommend the following conditions. Conditions 1-3 secure any mitigation fieldwork which may be required, and condition 4 to secure the creation of an archaeological management plan if mitigation by preservation in situ is required. Once in receipt of a final evaluation report we will be in the position to advise the need for mitigation and will send update regarding the advised conditions.

Condition 1

No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate

Written Schemes of Investigation for evaluation trenching and provision for further mitigation work. These schemes shall include the following:

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- 2. A methodology and timetable of site investigation and recording
- 3. Provision for site analysis
- 4. Provision for publication and dissemination of analysis and records
- 5. Provision for archive deposition
- 6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

Condition 2

The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

Condition 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

Condition 4

Prior to the commencement of development, an Archaeological Management Plan (AMP) shall be submitted to and approved in writing by the Local Planning Authority. The AMP shall include details of precautionary measures to ensure the protection of archaeological assets identified for preservation in situ, throughout the operation of the site, including construction, repairs and decommissioning, and including details of monitoring and enforcement measures.

5.7 Anglian Water (08/06/2024)

Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

5.8 British Horse Society (09/10/24)

[Further to previous responses (10/06/24, 21/06/24 and 28/08/24) which objected to the application]

No response has been included in the applicant's Second Response to the British Horse Society dated 16th September 2024 to the request that this development improves the RoW network as per the ROWIP

A point which has not been highlighted or possibly even recognised by the applicant, is the fact that the proposed access route opposite Cross Road, has for many years, been used for access to and from Bridleway 238/13 Tydd St. Giles not only by pedestrians but also by equestrians and cyclists.



Whilst it is acknowledged that this is not a public bridleway, rural development such as this, is an opportunity to improve safe access for the widest possible number of users and an opportunity to provide some benefit to the local community. It would be within the gift of this project to upgrade the footpath to bridleway to enable safe access to and from the existing bridleway and byway network to the west. We would like to see this as a requirement of any planning approval. It would accord with the Cambridgeshire Rights of Way Improvement Plan which states:

SOA3: 72,500 new homes Guiding principle GP3

"New development should not damage countryside provision, either directly or indirectly. New settlements should be integrated into the rights of way network, and improved provision made for the increased population. Where appropriate, development should contribute to the provision of new links and/or improvement of the existing rights of way network."

It has been clearly stated by the DM Team that the reference to 'development' is not restricted to housing development.

Upgrade of the footpath together with use of the buffers would provide ample space for additional shared use routes to link with the existing PRoW network for the lifetime of the project and increase access off-road for cyclists and equestrians. No response has been made to this proposal which is also within the gift of this development.

I very much hope that both the applicant and the planning authority recognise the potential to make a significant improvement to the rights of way network through this development, should it go ahead.

5.9 CCC Definitive Map Officer (03/10/24)

[Further to previous responses (10/06/24, 22/07/24 and 19/08/24) objecting the application]

Following the agreement to our requests regarding the width of Public Bridleway No. 19, Tydd St Giles, we withdraw our objection dated 10 June 2024.

5.10 FDC Tree Consultant (16/08/24)

The tree report outlines the only trees potentially impacted is an 'A' quality Willow within a copse where the access track will cross over the root protection area. It outlines that preemptive root pruning works will be undertaken to facilitate this. I think it would be more prudent that some exploratory works were undertaken first or alternative surface construction methodologies explored to ensure root pruning would not detrimentally impact on a tree that has been categorized as high quality. Some protection details have been provided but it would be better to have more details in a robust tree protection method statement which would include where service runs are to be positioned and how this could impact on the trees, along with how they will be protected from construction pressures. This could be conditioned if the scheme were to be approved but would need to be a pre commencement condition to ensure the trees are protected sufficiently.

The new landscaping will improve on the amenity and biodiversity of the site and improve on the species diversity and age.

5.11 Active Travel England (11/06/24)

Active Travel England is content with the development proposed.

5.12 FDC Ecology (04/04/24)

[Further to a previous response (02.12.24) recommending refusal] Ecological Survey Effort

The Ecology surveys carried out to inform the planning application have been undertaken by suitably qualified ecologists and to appropriate standards. No further surveys need to be undertaken prior to deciding the application.

Impacts on Designated Sites

I am satisfied that the proposals will not have any impacts on sites specially designated for their nature conservation value.

Impacts on Notable Habitats

The application site is dominated by intensive agricultural land uses of limited nature conservation value, but ditches which cross the site do have at least local value and have been shown to support the specially protected species water vole. They may also support notable plant and invertebrate species. It is proposed to retain the ditches and to enhance them for wildlife during the operational life of the development, which is welcomed, but to avoid harm to water voles and other species associated with the ditch network during any construction period I would advise that a Construction Environmental Management Plan is required to be prepared as a Condition of any approval which may be granted to the scheme. The CEMP should include details of how any direct or indirect impacts on the ditches

are to be avoided during the course of any construction works, or if impacts cannot be avoided then mitigation measures should be proposed.

Impacts on notable species

In addition to possible impacts on water voles discussed above, the development may also affect brown hares, bats and ground nesting birds, particularly skylarks. Brown hares may be affected by the loss of open-ness which the scheme will cause, and there is some (limited) evidence that bats can be deterred from using landscapes for foraging when solar arrays are introduced. Some nesting habitat for skylarks may also be lost, given that skylarks prefer more open landscapes.

However, the foraging habitats available for both bats and brown hares will be much improved by the grassland enhancements, ditch enhancements and planned tree planting. These habitat improvement measures will serve to mitigate for any harmful effects on either bats or brown hares. Although low numbers of skylarks may be displaced, habitat enhancement and diversification will serve to improve foraging resources for skylarks (and other farmland bird species) in the wider landscape and will therefore mitigate impacts on skylarks.

I would advise that suitable gaps are left in any boundary fencing to allow for smaller mammals to move freely through the site.

Biodiversity Net Gain

The application is required to achieve at least a 10% gain in biodiversity as measured using an appropriate metric. A relevant Biodiversity Metric has been provided, and a Biodiversity Net Gain Assessment and Strategy have been prepared, and both of these documents are acceptable. The Strategy indicates that a (very) significant gain in biodiversity can be achieved on-site by taking large areas of land out of intensive agricultural use and creating areas of permanent, more species-rich grassland. New tree planting and ditch enhancements will also contribute to the overall biodiversity gain. I would raise a question about the extent of species-rich neutral grassland which it is claimed can be created, given that the solar panels will introduce a level of shade, but overall I would accept that the on-site improvements to biodiversity will be significant.

I would advise -

- * That an up-to-date Biodiversity Gain Plan and a comprehensive Habitat Management and Monitoring Plan will be required by applying the statutory Biodiversity Gain to any permission granted to the scheme
- * That the significant on-site biodiversity net gain should be secured in the long term (30 years) by means of an S106 agreement.

Conclusions -

Given that the development proposals -

- * Are in the interests of reducing the combustion of fossil fuels for energy and
- * Will result in significant biodiversity gains,

I would raise no objections to the application on nature conservation grounds.

5.13 Cambridgeshire Fire and Rescue Service (25/02/25)

This document relates to Battery Energy Storage Systems (BESS) which are deployed in open air environments with an energy capacity of 1 megawatt (MWh)

or greater using lithium variant batteries. The principles contained within this document may also be relevant to other battery technologies, advice should however also be sought from a competent person.

This document identifies key areas regarding the prevention of fire in BESS installations and the actions and protective measures for fire service personnel, employees and the public in the event of a fire occurring.

1. Effective identification and management of hazards and risks specific to the siting, infrastructure, layout, and operations at the facility.

1.1 Containers

The type of BESS container will make a difference to the Fire Service's ability to fight fires and ensure the protection of BESS site workers. The older design takes the form of shipping containers that staff enter to carry out their work. The newer style is a cabinet-based approach with doors on the outside of the unit to allow access to the battery trays and electrical components. This reduces the risk to employees and Fire staff who would not need to enter the container to search for employees. This information should be submitted as early as possible to allow an initial appraisal to be made.

1.2 Spacing Between Cabinets

The National Fire Chief's Council (NFCC) does not support the vertical stacking of containers or units on top of each other on the basis of the level of risk from the vertical fire spread between the BESS, the fire loading and the difficulty in gaining access.

The emergency response plan should be predicated on the scenario of the fire will not spread beyond the BESS container of origin. Fire and rescue operations should be limited to boundary cooling of surrounding BESS and monitoring the BESS involved in the thermal event.

This outcome can be achieved through several different routes including:

- Adequate separation between the BESS enclosures to ensure that radiant heat from a thermal event in one BESS will not trigger a secondary event.
- Provision of fire-resistant materials that will prevent direct flame impingement or radiated heat affecting adjacent BESS and allowing the incident to develop beyond BESS of origin.

The provision of a suppression system to the BESS is unlikely to provide a compensatory feature to allow reduced spacing between BESS. If the developer cannot demonstrate that a thermal event / fire can be contained to the BESS of origin, then the developer should be referred to guidance such as the separation distances within NFPA 855 (current edition - 2023).

1.3 Batteries

It should be determined what style of batteries are to be used and that the appropriate testing has been carried out. Whilst there are different characteristics of lithium-ion batteries (e.g. NMC, LFP and other chemistry types) involved in a fire, the overall risks they present to firefighters are similar. Specifically, they may

all involve toxic, flammable and / or explosive vapour clouds. They may also result in intense flaming combustion.

1.4 Detection

An effective and appropriate method of early detection of a fault within the batteries should be in place, with immediate disconnection of the affected battery / batteries remotely. This may be achieved through the provision of an effective battery management system (BMS). Specific electrolyte vapour detection systems are available and may be helpful but should not be relied on in isolation as a precursor to a thermal event.

Detection systems should also be in place as part of the risk management process to alert the operator of an event at the site. Appropriate automatic detection such as smoke, gas or radiant heat detectors, as well as continuous combustible gas monitoring within units should be provided in all ESS. Gas detectors should alarm at the presence of flammable gas, shut down the ESS, and cause the switch over to full exhaust of the ventilation system. Sensor locations should be appropriate for the response times, and types of gas detected e.g. hydrogen, carbon monoxide and other volatile organic compounds. External audible and visual warning devices, as well as addressable identification at control and indicating equipment, should be linked to:

- 1. Battery management system (when a thermal runaway event is identified)
- 2. Detection and suppression system activation

This will enable first responders to understand what the warning is in relation to, aiding their decision-making and the formation of an incident plan.

1.5 Suppression

The primary role of a fire suppression system in a BESS is to prevent a fire in the ancillary electrical equipment spreading to the battery modules. It may have a limited effect to protect the BESS from an external fire spreading to it. All claims of performance of suppression systems need to be supported with appropriate evidence for that specific use case.

The suppression system, regardless of type, will have little effect on a thermal event within the battery cell. Any effectiveness they have will be in preventing cell to cell propagation, rather than fully extinguishing a fire in the cell.

Where the developer proposes that suppression systems are not required in the design, the FRS needs to be satisfied that alternative controls are in place to prevent a fire or other thermal event in the BESS of origin, from propagating to adjacent equipment.

1.6 Explosion Control

BESS containers should be fitted with explosion protection or deflagration venting appropriate to the hazard and battery technology deployed. Designs should be developed by competent persons, with design suitability able to be evidenced6. Exhaust systems designed to prevent deflagration should keep the environment below 25% of the lower explosive limit (LEL).

Flames and materials discharged because of any venting should be directed outside to a safe location and should not contribute to any further fire propagation beyond the unit involved or prevent further risk to persons. The likely path of any vented gasses or materials should be identified in emergency response plans to reduce the risk to responders.

Likewise, the position of any venting should take account of the likelihood of weather-related ingress of water, to minimise the risk of water damage during the ordinary functioning of the BESS.

2. Safe access for emergency responders in and around the facility, including to renewable energy and firefighting infrastructure.

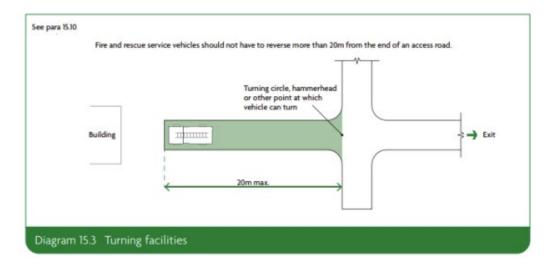
2.1 Site Access

Suitable facilities for safely accessing and egressing the site should be provided. Designs should be developed in close liaison with the local FRS as specific requirements may apply due to variations in vehicles and equipment. In achieving adequate access for the FRS, firefighters should not have to enter the BESS site and drive through a vapour / gas cloud to reach the scene of operation. It is therefore preferable to have an alternative access point taking account of the likely wind direction.

The principles contained within Approved Document B in support of B5 may assist in providing a proportionate and adequate provision of access and facilities for the FRS. It must, however, be acknowledged by all, the guidance referenced below is for 'common building situations' which BESS are clearly not, therefore it is cited only as potential broad principles.

Table 15.2 from Approved Document B – Typical FRS vehicle access route specification

Appliance type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.1	16.8	19.2	3.7	12.5
High reach	3.7	3.1	26.0	29.0	4.0	17.0
High reach NOTES:	3.7	3.1	26.0	29.0	4.0	17.0
	are not standard ner dimensions.	ised. The building	g control body m	ay, in consultation	n with the local	fire and reso



3. Provision of adequate water supply and firefighting infrastructure to allow safe and effective emergency response. This could include the provision of water to allow for defensive firefighting to protect surrounding infrastructure.

3.1 Water Supplies

Pumping fire appliances in the UK typically have a water storage capacity of approximately 1,800-2,000 litres of water which can be exhausted in under five minutes per appliance. Therefore, to supplement the supply of water, the site needs to be supplied with a water supply for FRS to utilise in the event of an emergency.

There must be enough water available for firefighting to take place and to manage a reasonable worst-case scenario. Depending on the site this could be water in storage tanks, lagoons on site, access to hydrants or mains water supply.

The amount of water required will vary and will be dependent on a number of factors including:

- The size of the incident to be dealt with e.g. 1 x BESS unit
- The principles of the emergency response plan and the expectation of the role of the FRS (firefighting strategy).
- Access and facilities for firefighters on site
- BESS location and proximity to infrastructure or areas of population.
- The requirement to supplement any on site firefighting facility such as a dry pipe sprinkler / deluge system.

3.2 Hydrants

Fire hydrants and connections to any dry pipe systems that are required to be installed on the BESS site should installed in accordance with BS 9990 Non-automatic firefighting systems in buildings code of practice (Current Edition) and should be identified in accordance with BS 3251 Indicator Plates for Fire Hydrants (Current Edition).

Fire Hydrants provided should achieve a flow rate of no less than 25 litres / second at any hydrant on the site14. This figure is based on guidance produced by Water UK and the Local Government Association. The flow rate for transportation has been selected as the comparative value for flow rates, rather than that of a domestic housing development or an industrial setting.

3.3 Static Water Supplies

Where a hydrant flow of 25 litres / second cannot be achieved, it would be prudent to provide an equivalent static supply of water on site that will provide for the same flow rate for a duration of 120 minutes. This equates to approximately 180,000 litres of water. Consideration should be given, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons).

Water supplies for any onsite suppression system will require to be sized independently for the design fire size of the BESS by a competent fire engineer.

Any static water storage tanks designed to be used for firefighting must be located at least 10 metres away from any BESS container / cabinet to allow for safe access and usage. They must be clearly marked with appropriate signage. They must be easily accessible to FRS vehicles and their siting should be considered as part of a risk assessed approach that considers potential fire development / impacts. Outlets and connections should be agreed with the local FRS. Any outlets and hard suction points should be protected from mechanical damage (e.g. through use of bollards).

4. Vegetation sited and managed to avoid increased bushfire and grassfire risk.

4.1 Vegetation Risk

In addition to the risk of an incident occurring within the BESS, the site needs to be maintained to prevent a fire spreading to the BESS or indeed fire loading, by providing a 'bridge' or path between BESS units to transmit flaming or radiant heat.

It is important that no combustible material is adjacent to BESS units and that clear access is maintained. Areas within 10 metres of BESS units should be kept clear of combustible vegetation and all other vegetation within the curtilage of the site should be kept in a condition such that it does not increase the risk of a fire on the site.

Areas with wildfire risk or vegetation that would result in a significant size fire should be factored into the assessment. Additional separation distances should be factored in to prevent a fire spreading to the BESS or increasing the ambient temperature within the BESS above the tolerances of the safe working temperature.

5. Provision of accurate and current information for emergency responders during emergencies.

5.1 Provision of Risk Information

To ensure the provision of risk information to the FRS, the site operator should develop and share an emergency response plan with the local FRS point of contact. There will be variance in the layout and design of each operator's emergency response plan, but it should contain the following broad subject areas:

• How the FRS will be alerted.

- A facility description, including infrastructure details, operations, number of personnel and operating hours.
- A site plan depicting key infrastructure: site access points and internal roads, firefighting facilities (water tanks, pumps, booster systems, fire hydrants, fire hose reels etc), drainage, and neighbouring properties.
- Details of the emergency response co-ordinator including the subject matter expert for the site.
- Safe access to and within the facility for emergency vehicles and responders, including to key site infrastructure and fire protection systems.
- Details and explanation of warning systems and alarms on site and locations of alarm annunciators with alarm details (smoke, gas, temperature).
- Hazards and potential risks at the facility and details of their proposed management.
- The role of the FRS at incidents involving a fire, thermal event or fire spreading to the site.
- Emergency shutoff or isolator locations.

5.2 Environmental Impact Plans

Suitable environmental protection measures should be provided. This should include systems for containing and managing water runoff. System capability / capacity should be based on anticipated water application rates, including the impact of water based fixed suppression systems.

Sites located in flood zones should have details of flood protection or mitigation measures.

6. Effective emergency planning and management, specific to the site, infrastructure and operations.

6.1 Emergency Planning

There must be plans to show all sensitive receptors within a 1km radius of the site that could be affected by a fire. Examples of sensitive receptors may include:

- Schools, hospitals, nursing and care homes, residential areas, workplaces.
- Protected habitats, watercourses, groundwater, boreholes, wells and springs supplying water for human consumption – further habitat information can be found on the Defra MAGiC map website.
- Roads, railways, bus stations, pylons (on or immediately adjacent to the site only), utilities, airports

Plans must have a compass rose showing north and the prevailing wind direction

- 7. Areas for Fire and Rescue Consideration.
- 7.1 Consultation with Local Fire and Rescue Services

It is important that early engagement is sought with local FRS's to ensure that fire safety of proposed BESS sites is considered at an early stage. Annex A provides a table of areas that FRS's will seek clarification on with regards to the fire mitigation and action plans of the developer.

5.14 Cambridgeshire Constabulary Designing Out Crime Officer (21/06/24)

I have viewed design and access statement (DAS) and all other associated documents in relation to crime, disorder, and the fear of crime, unfortunately there doesn't appear to be any mention to security within the documents. It is important that security and crime prevention are discussed at the earliest opportunity. It should incorporate the principles of "Secured by Design", to design out crime and reduce the opportunities for crime.

I have searched the Constabulary crime and incident systems covering Roman Bank Ward for the last 2 years, I would consider this to be an area of low/medium risk to the vulnerability to crime based on the figures below at present.

[...]

For your information when conducting searches for rural/semi-rural areas we now include poaching within our figures as these incidents can also be linked to other serious and organised crimes.

As mentioned above whilst I appreciate this is in the early stages of discussion, it is important that the Designing Out Crime Officers (DOCO's) are consulted at an early stage in these types of planning applications, this enables us to work with the developer on the best security solutions.

NPPF Para 135(f) states - Planning policies and decisions should ensure that developments - create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Nationally there has been an increase in reported thefts associated with solar farms, experience would suggest that installing large amounts of expensive and desirable equipment (E.G. Solar Panels and associated cable and infrastructure) in isolated rural locations will attract criminals. It should be noted that some of the offences have involved violence. A location in Norfolk has experienced repeated attacks, where over half a million pounds of cable was stolen, and evidence that further cable had been prepared for a return visit. It is important that these farms are enclosed with appropriate security fencing as mentioned below in this response.

The location for such installations is important along with appropriate and proportionate security measures, which will need to be considered on a site-specific basis. Basic crime prevention is about putting layers of security in place to delay and deter criminals. As well as physical security measures such as fencing, there must be either sufficient natural surveillance, monitored electronic security measures, or both prompting an appropriate response.

Fencing:

Black or green security tested (LPS1175 Issue 7 Security Rating 2 A3+) anticut, anti-climb close welded mesh panel fencing generally has a low visual
impact while also providing a good level of site security and surveillance.
Keeping low level existing hedging, and landscaping outside the fence,
maintained at a height of 1metre, as defensible planting will assist the site
security and screen the fencing without hindering surveillance.

Lighting:

 A fully qualified lighting engineer should be able to design a lighting plan to provide security and safety of people and the property on site as well as reducing the effects on ecology and local wildlife habitat. Consideration could be given to utilising a PIR system which operates when motion is detected and incorporates a slow rise in the lighting level, minimising glare, and light pollution.

CCTV:

 CCTV must comply with BS EN 50132-7:2012+A:2013 (CCTV surveillance systems for use in security applications). It is unlikely to be effective if not monitored to detect an offence being committed and able to alert a monitoring service who can provide a physical response (Including Police). Relevant signage compliant with the Information Commissioners Office CCTV Code of Practice must be placed around the site.

Alarm:

• If the circumstances and risk dictate, consideration could be given to installing a monitored alarm system e.g., Perimeter Intrusion Detection System to detect intruders attempting to breach the perimeter fence or boundary.

Consideration must be given to fencing around the control house / substation / battery storage units, including a monitored alarm and CCTV. If the circumstances and risk dictate, consideration should be given to installing a monitored alarm system e.g., Perimeter Intrusion Detection System (PIDS) to detect intruders attempting to breach the perimeter fence or boundary.

With most of these proposals being for a period of 40 years and the everincreasing cost of electricity and metal (particularly copper), implementing relevant security measures according to proposed location and perceived risk, at the outset and early design stages, would appear to be an effective and efficient approach.

The above recommendations are to slow down, detect and reduce the opportunity for a would-be offender.

I am happy for the above to be conditioned, should planning approval be granted.

5.15 North Level District Internal Drainage Board (19/06/2024)

My Board has no objections to the above application.

The Boards Straight Reach Drain, Lady Nunn Drain and Treading Drain forms boundaries or flows directly through the site [...] therefore the Boards Byelaws apply. In particular I would draw the applicants attention to Byelaw number 10 which states "No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any trees, shrubs, willow or other similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure."

Access to the Boards drains will be required at all times.

5.16 CCC Lead Local Flood Authority (20/06/24)

We have reviewed the following documents:

 Surface Water Management Plan, Floodline Consulting, Rev: A, Dated: 24th November 2023

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of filter trenches on every 10th row of PV panels discharging into existing perimeter swales which in turn discharge from site into a watercourse as it presently does. The applicant has provided a maintenance strategy that outlines maintenance and adoption details of surface water drainage features.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

We request the following conditions are imposed:

Condition 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Surface Water Management Plan, Floodline Consulting, Rev: A, Dated: 24th November 2023 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

Condition 2

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

Informatives

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is

important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall

Construction Surface Water Maintenance

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

5.17 Local Residents/Interested Parties

36 representations have been received from local residents, all in objection to the planning application. The representations are summarised below:

- Inappropriate location.
- Inappropriate scale.
- Loss of agricultural land and impacts on food security.
- Loss of local agricultural employment.
- Best and Most Versatile land should not be used unless no alternatives exist.
- Loss of privacy due to Closed Circuit Television Cameras.
- Heritage impacts.
- Character, appearance and tranquillity of the countryside / landscape impacts.
- Lighting impacts.
- Biodiversity impacts.
- Human health, wellbeing and property impacts
- Water pollution impacts.
- Flood risk impacts.
- Highway and traffic impacts.
- Recreational and safety impacts on Public Rights of Way.
- Recreational impacts.
- Glint and glare impacts.
- Outlook impacts / loss of views.
- Commercial viability impacts.
- · Crime impacts.
- Property value impacts.
- The proposed development is permanent, not temporary.
- Cumulative impacts with other renewable energy developments.
- The application should be outside of the remit of Fenland District Council and should be a Nationally Significant Infrastructure Project as the site area provides potential for more than 49.9 megawatts production.
- Request for conditions requiring submission of construction and decommissioning plans, a waste / construction waste management plan, and screening measures for existing properties.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 - Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Area Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Delivering and Protecting High Quality Environments in Fenland SPD 2014

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry

extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP6: Renewable and Low Carbon Energy Infrastructure

LP7: Design

LP8: Amenity Provision LP11: Community Safety

LP18: Development in the Countryside

LP19: Strategic Infrastructure

LP20: Accessibility and Transport

LP21: Public Rights of Way

LP22: Parking Provision

LP23: Historic Environment

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP29: Green Infrastructure

LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Character and appearance of the area
- Residential amenity
- Highway safety and transport
- Public Rights of Way
- Flood risk and drainage
- Archaeology
- Trees
- Fire risk
- Aviation
- Crime
- Biodiversity
- Biodiversity Net Gain (BNG)

9 BACKGROUND

- 9.1 The proposed development would be located partly within Fenland (and Cambridgeshire) and partly within South Holland (and Lincolnshire). Fenland District Council are only the determining body for the elements of the proposed development located within Fenland. The applicant has submitted a separate planning application (reference: H19-0329-24) to South Holland District Council for the elements of the proposed development located within South Holland. Planning application H19-0329-24 is currently pending consideration.
- 9.2 A Screening Opinion (reference: F/YR22/1070/SC) was issued by Fenland District Council on 11th October 2022, determining that an Environmental Statement is not required. In addition, a Screening Opinion (reference: Land east of Guanockgate Road, Gorefield) was issued by South Holland District Council on 13th October 2022, determining that an Environmental Statement is not required.

10 ASSESSMENT

Principle of development

National Planning Policy Framework (NPPF)

- 10.1 Paragraphs 125 and 187 of the NPPF state that planning decisions should recognise that some undeveloped land can perform many functions, including food production and the wider benefits from natural capital such as BMV land.
- 10.2 Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts; and should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, and support renewable and low carbon energy and associated infrastructure.
- 10.3 Paragraph 163 of the NPPF states that the need to mitigate and adapt to climate change should be considered, taking into account the full range of potential climate change impacts.
- 10.4 Paragraph 168 of the NPPF states, when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

National Planning Practice Guidance (PPG)

- 10.5 In relation to large-scale ground-mounted solar PV farms proposed on greenfield land, PPG (paragraph 013 Reference ID: 5-013-20150327, published March 2015) states that LPA's will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. In addition, it states that LPA's will also need to consider the energy generating potential and temporary nature of the solar farm (with planning conditions enabling installations to be removed when no longer in use and the land is restored to its previous use).
- 10.6 In relation to Battery Energy Storage Systems, PPG (paragraph 032 Reference ID: 5-032-20230814, published June 2015) states that electricity storage can enable energy to be used more flexibly and decarbonise the energy system cost-effectively.

National Policy Statements (NPS)

10.7 The overall NPS for Energy ('EN-1', published November 2023) states that there is an urgent need for significant amounts of large-scale energy infrastructure, including energy producing infrastructure, to meet the Government's energy objectives. NPS EN-1 states also that storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low

carbon power, heat and transport can be integrated. In addition, it states that storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher

- 10.8 The NPS for Renewable Energy Infrastructure (*'EN-3'*, published November 2023) states that there is an urgent need for new electricity generating capacity to meet the UK's energy objectives and electricity generation from renewable sources is an essential element of the transition to net zero.
- 10.9 NPS EN-1 states that proposals should seek to minimise impacts on BMV land and preferably use land of Grade 3b and below and that proposals should not be sited on BMV land without justification.
- 10.10 NPS EN-3 states that while land type should not be a predominating factor in determining the suitability of the site location, applicants should (where possible) utilise previously developed land, brownfield land, contaminated land and industrial land. Furthermore, EN-3 states that, where the proposed use of agricultural land is necessary, poorer quality land should be preferred to higher quality land (avoiding the use of BMV land where possible); however the development of ground mounted solar arrays is not prohibited on BMV land.
- 10.11 Although EN-1 and EN-3 primarily relate to Nationally Significant Infrastructure Projects (NSIPs), EN-1 indicates that NPSs may be a material consideration in the decision-making on planning applications and that the extent of materiality and weight to be given to them will be judged on a case-by case basis. Given that the proposed development, as a whole, is so close to the threshold for a NSIP, it is considered that EN-1 and EN-3 are material planning considerations relevant to the determination of this application.

Government Act

10.12 The Climate Change Act 2008 requires the UK Government to reduce UK greenhouse gas emissions by 80% compared to 1990 levels by 2050. In June 2019, the UK Government amended the 2008 Act to raise the 80% target to a 100% target by 2050. This is referred to as the 'net zero target' (for which a Net Zero Strategy was published by the Government in October 2021).

Written Ministerial Statement (WMS)

10.13 The most recent and relevant WMS relating to the balancing of competing priorities for energy security and food production ('Solar and protecting our Food Security and Best and Most Versatile (BMV) Land' dated 15 May 2024) indicates that due weight needs to be given to the proposed use of BMV land when considering whether planning consent should be granted for solar developments and that there is a greater onus on developers to show that the use of higher quality land is necessary.

Fenland Local Plan 2014

10.14 The overarching objectives of the Fenland Local Plan 2014 (the Local Plan) include increasing use of renewable energy sources, limiting/reducing vulnerability to climate change, and reducing emissions of greenhouses gasses and other pollutants.

- 10.15 Policy LP14 of the Local Plan states that renewable energy proposals will be supported and considered in the context of sustainable development and climate change. Policy LP14 specifies 'high quality agricultural land' as being one of multiple factors which must be taken into account when considering the merits of proposals for renewable energy technology. All other factors specified within policy LP14 of the Local Plan are considered within later sections of this report.
- 10.16 In addition, policy LP14 of the Local Plan states that renewable energy proposals which will directly benefit a local community in the medium and long term and/or are targeted at residents experiencing fuel poverty will be particularly supported.

Addressing climate change

- 10.17 In 2019, the Government declared a Climate Change Emergency. Recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production, to ensure that all electricity within the UK comes from low carbon sources by 2035. The Clean Power Action Plan 2030 (published December 2024) reiterates this need for a rapid deployment of new clean energy, setting an ambitious target of 45-47GW of solar power to be achieved by 2030. To achieve these targets, large-scale solar farms will be necessary.
- 10.18 The application states that the proposed solar farm would have a capacity of approximately 49.9MW and will generate and deliver electrical power to the local distribution network; which would translate into generation of approximately 69.4 Gigawatt hours (GWh) of clean renewable energy each year which would be distributed to homes and businesses, powering in excess of 22,388 homes and offsetting over 16,200 tonnes of carbon dioxide per year. In addition, the application states that the BESS would have a capacity of 30MW; which would enable the energy produced by the solar farm to be used effectively as well as providing flexibility and reliability for the grid.
- 10.19 It has been determined in planning appeals that an easy and readily available grid connectivity is an important material consideration. The application states that the applicant has established a grid connection and the site has willing landowners, resulting in the site being available for development now and therefore being deliverable.
- 10.20 With consideration given to the above, it is considered that the contribution of the proposed development towards addressing climate change attracts significant weight in favour of the application.

Loss of BMV land for arable production

- 10.21 National and local planning policies and guidance indicate that careful consideration should be given to loss of BMV land; however they do not prohibit loss of BMV land. The appropriateness of utilising BMV land is a matter of planning judgement on a case by case basis.
- 10.22 Natural England's East Region Agricultural Land Classification Map classifies the application site as Grade 2 (Very Good) agricultural land. The application is accompanied by a Agricultural Land Classification report, commissioned by the applicant, which classifies 15 hectares of the application site as Grade 2

agricultural land and 117 hectares of the application site as Grade 3a (Good to Moderate) agricultural land. Nevertheless, the whole of the application site comprises BMV land and the proposed development would result in a loss of BMV land being used for arable production (though it is acknowledged that the Planning Design and Access Statement states that it is intended to also utilise the land for grazing of livestock throughout the operation period of the proposed development).

- 10.23 The vast majority of agricultural land within the district is BMV land and therefore it is highly likely that the any development for a large-scale solar farm and BESS would result in a loss of BMV land. Furthermore, the application site represents a very small proportion of the overall BMV land resource within the district. Therefore, at a national and district level, the impact of the loss of the amount of BMV land for arable production would not result in a significant impact on food production and security. In addition, although the proposed development would result in the application site being taken out of use for arable production for a substantial period of 42 years, it is not permanent and would not blight the site in the long-term. Therefore, it would not prevent the land being re-used for arable production following decommissioning.
- 10.24 Therefore, it is considered that the use of agricultural land is very likely necessary to accommodate a development such as this, due to the lack of poorer quality land suitable for the proposed development, within the district.
- 10.25 Natural England consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations. Natural England recommends that any grant of planning permission is subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development; and to require the site to be decommissioned and restored to its former condition when planning permission expires. Due to the temporary nature of the proposed development, and to ensure an effective use of the land is retained following decommissioning of the proposed development, it is considered necessary to append conditions in accordance with Natural England's recommendations.
- 10.26 With consideration given to the above, it is considered that the loss of BMV land for arable production attracts moderate weight against the application.
 - Principle of development conclusion
- 10.27 Provided that regard is had to all material considerations, it is for the decision maker to decide what weight is to be give to the material considerations in each case.
- 10.28 The proposed development would contribute positively to environmental sustainability, by providing a significant contribution to renewable energy generation and energy storage; contributing towards addressing climate change and improving energy security and resilience. In addition, the proposed development would contribute positively towards social and economic sustainability by increasing reliability of the grid to support a growing need from local residential and business properties, and by potentially contributing towards lower costs of energy provision. For these reasons, it is considered that the

- proposed development would provide substantial benefits, both nationally and to the local community, which attracts significant weight in favour of the application.
- 10.29 With consideration given to the fact that the land could continue to be used for agricultural purposes alongside the production of renewable energy and could return fully to agricultural use at the end of the lifetime of the development it is considered that the substantial environmental, social and economic benefits of the application identified above would outweigh the moderate harm resulting from BMV land being taken out of arable production.
- 10.30 It is therefore considered that the principle of development is acceptable, in accordance with policy LP14 of the Local Plan and the provisions of the NPPF.

Character and appearance of the area

- 10.31 Paragraph 135 c) of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 10.32 Paragraph 187 b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 10.33 PPG (Paragraph: 013 Reference ID: 5-013-20150327) states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes; however, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. In addition, it states that Local Planning Authorities will need to consider the proposal's visual impact, the effect on landscape of glint and glare, the impact of security measures such as lights and fencing, and the potential to mitigate landscape and visual impacts (for example, through screening with native hedges).
- 10.34 Policy LP16 of the Local Plan requires proposals for all new development to retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies; and make a positive contribution to the local distinctiveness and character of the area, enhance its local setting, respond to and improves the character of the local built environment, provide resilience to climate change, reinforce local identity and not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.35 The application is accompanied by a Landscape and Visual Appraisal (LVA). The LVA provides a robust rationale for how the landscape and visual impacts have been mitigated through site selection, layout and design.
- 10.36 The application site comprises a generally flat topography which the LVA assesses to be of low sensitivity. The proposed development would generally maintain the current flat topography, with no significant topographical changes to the landscape being proposed. The LVA therefore assesses the susceptibility and overall sensitivity of the site topography to the proposed development to be low, with the magnitude of change at year 1 and year 10 of the operational phase as being negligible neutral in respect of topography.

- 10.37 The proposed development would result in a loss of arable land (at least for the lifetime of the proposed development). The proposed development would replace this with grassland beneath and around the solar panels. The LVA assesses that the loss of arable land would result in a high magnitude of change at year 1 and year 10 of the operational phase that would lead to a substantial adverse effect in respect of arable land.
- 10.38 The proposed development would retain the existing Public Rights of Way within and near to the site. The LVA states that the proposed development would provide some surfacing enhancements to the Public Rights of Way within the site and that there would be a medium magnitude of change at year 1 and year 10 of the operational phase in respect of Public Rights of Way, with the scale of effect being minor beneficial.
- 10.39 The site is predominantly devoid of trees and hedging, other than an existing woodland copse within the site which provides a notable landscape feature. The existing woodland copse is proposed to be retained as part of the proposed development and is assessed within the LVA as having a 'low' susceptibility to the proposed development. The LVA assesses the magnitude of change to woodland and hedgerows to be low, with the proposed landscaping resulting in a moderate beneficial impact in respect of woodland and hedgerows at year 10 of the operational phase.
- 10.40 The existing drainage ditches within the site form notable landscape features. The LVA assesses the magnitude of change to the drainage ditches to be negligible, with proposed reedbed planting along parts of the drainage ditches resulting in a minor beneficial impact by year 10 of the operational phase.
- 10.41 The LVA acknowledges that there would be a notable change to the character of the site, due to the existing open and undeveloped character being lost to the proposed development for the lifetime of its operation. The LVA assesses the local landscape to be of medium value, with a medium susceptibility to the proposed development. The LVA assesses the overall magnitude of change resulting from the proposed development to be medium, with the primary effect being visual. The LVA concludes that the proposed development would have a moderate adverse effect on the character of the local landscape within year 1 of the operation phase, however this would decrease to a minor adverse effect on the character of the local landscape by year 10 of the operation phase.
- 10.42 During the course of this application, the Local Planning Authority commissioned an independent review of the applicants' LVA. The independent review confirmed that the LVA method is broadly in accordance with relevant guidance, however it highlights some discrepancies and omissions which it considers would be necessary to provide a transparent and realistic assessment of the landscape and visual impacts. The independent review also highlights some inadequacies with regards to the locations and extent of proposed soft landscaping.
- 10.43 Due to the existing landscape value and flat topography of the site and surrounding area, and the provision of soft landscaping to aid assimilation of the proposed development into the surrounding area, it is considered that the proposed development would not have any significant landscape effects on the surrounding area. However, due the magnitude of change of the existing flat, open appearance of site and its high prominence from nearby public vantage points, the proposed

development would cause harm to the open character and appearance of the countryside, contrary to policy LP16 of the Fenland Local Plan 2014.

Residential amenity

- 10.44 Policy LP16 of the Local Plan requires proposals for new development to demonstrate that they would not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 10.45 The main potential residential amenity impacts likely to be generated by the proposed development are noise and disturbance during construction and decommissioning, noise impacts during operation, and Glint and Glare impacts.
- 10.46 The application is accompanied by a Glint and Glare Study which assesses the glint and glare impacts on the residential amenity of residential properties that are located within 1 kilometre and that have a potential view of the panels (with the exception of properties located north of the application site). The Glint and Glare Study states that solar reflections are geometrically possibly towards 61 dwellings; concluding that there is significant screening of the reflecting panels in the form of existing vegetation and / or buildings for 22 of these dwellings and that a low impact is predicted for the other 39 dwellings due to factors including prominence, duration and separation distance. A low impact is defined within the Glint and Glare Study as being where a solar reflection is geometrically possible, however any impact is considered to be small such that mitigation is not required e.g. intervening screening will limit the view of the reflecting solar panels significantly. Therefore, there would not be any significant glint and glare impacts to residential properties and no mitigation is necessary.
- 10.47 The application is accompanied by a Noise Impact Assessment (NIA), as part of which a noise survey was undertaken at locations representative of the nearest residential properties to the proposed development.
- 10.48 The NIA indicates that the proposed development would be likely to have low noise impacts on nearby sensitive receptors, subject to the mitigation measures specified within the NIA.
- 10.49 The Council's Environmental Health department have no objections to the proposed development, stating that the NIA indicates that no unacceptable noise impact is anticipated as a result of proposed development. However, they request that a condition is imposed requiring the mitigation measures specified within the NIA to be undertaken in order to protect the residential amenity of nearby properties. In the interests of ensuring acceptable noise impacts are achieved, and protecting the residential amenity of nearby properties, it is considered necessary to append a condition to any grant of planning permission requiring a detailed scheme of noise mitigation measures to be submitted to, and approved in writing by, the LPA prior to operation of the development.
- 10.50 Due to the large scale of the proposed development, and the potential for significant (albeit temporary) noise and disturbance impacts during the construction and decommissioning phases, it is considered necessary to append a condition to any grant of planning permission requiring a Construction Environment Management Plan (CEMP) to be submitted to, agreed in writing by, the LPA prior to commencement of the development. The CEMP could include restrictions to working hours during the construction and decommissioning phases.

10.51 It is therefore considered that the proposed development would not have any significant adverse impacts on the residential amenity of neighbouring properties, in accordance with policy LP16 of the Local Plan.

Highway safety and transport

- 10.52 Policy LP15 of the Local Plan requires development schemes to provide well designed, safe and convenient access for all. In addition, policy LP15 states that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.
- 10.53 The application is accompanied by a Transport and Access Statement which demonstrates that the safest and least disruptive route for construction and operational vehicles to enter and exit the site has been proposed, and demonstrates that the proposed route can accommodate the traffic requirements for the construction / commissioning and operation of the proposed development, without resulting in any severe impacts on the road network.
- 10.54 The proposed access route to the site, for construction and decommissioning, lies within Lincolnshire and Peterborough. The access to the proposed development, from the public highway, is located within Lincolnshire (and within the area of the application site which is located within the district of South Holland). Therefore, the highway safety impacts relating to access to the proposed development have been assessed by Lincolnshire County Council in their role as a consultee in relation to South Holland District Council planning application reference: H19-0329-24. Lincolnshire County Council Highways department recommends that planning application H19-0329-24 is approved with conditions.
- 10.55 In response to a consultation on this application, Cambridgeshire County Council Highways Development Management Team has no objections to the proposed development, stating that a proportion of employee trips may utilise the local highway network within Cambridgeshire County Council's administrative area, however the level of movements likely to be generated, the nature of the highways, and the limited duration of the construction period does not raise any undue concern in this respect.
- 10.56 Cambridgeshire County Council Highways Development Management Team has recommended that a condition is appended to any grant of planning permission preventing vehicular access being made to Broad Drove West or Elloe Bank, in order to minimise interference with the free flow and safety of traffic on the adjoining public highway.
- 10.57 The Glint and Glare Study accompanying the application assess the impacts of glint and glare on road safety. The Glint and Glare Study concludes that any solar reflections from the proposed development that are experienced by road users would be low impact, due to the road surrounding the proposed development being local roads where traffic is likely to be low. Therefore, there would be no significant glint and glare impacts upon road users and no mitigation is necessary.
- 10.58 With consideration given to the highway safety and transport impacts identified within the Transport and Access Statement and Glint and Glare Study

accompanying the application; the likelihood of traffic generation during the operational phase of proposed development being low due to the nature of the proposed development; and the recommendations of Lincolnshire County Council Highways department (in respect of planning application reference: H19-0329-24) and Cambridgeshire County Council Highways Development Management Team in respect of this planning application; it is considered that the proposed development would have a safe and convenient access, in accordance with policy LP15 of the Local Plan.

Public Rights of Way

- 10.59 Policy LP15 of the Local Plan requires developments to contribute to the delivery of robust networks and facilities for walking and cycling, which are suitably linked and integrated into the wider transport network and well maintained; and to provide well designed, safe and convenient access for all.
- 10.60 The application site contains a Public Bridleway (Path Number 13: Tydd St Giles), a Public Byway (Path Number 19: Tydd St Giles), and two Public Footpaths (Public Footpath SuSE/8/1 and Public Footpath Tydd/4/1).
- 10.61 The proposed development includes five locations where vehicles would be required to cross Public Rights of Way (PRoW) within the site. The Transport and Access Statement proposes measures to safely manage construction vehicle movements alongside PRoW users at these locations.
- 10.62 The British Horse Society requests that the proposed development improves the PRoW network, specifically by upgrading the footpath to Public Bridleway (Path Number 13: Tydd St Giles), to enable safe access to and from the existing bridleway and byway network to the west, which would accord with the Cambridgeshire Rights of Way Improvement Plan. The application proposes to resurface the access road serving the Public Bridleway (Path Number 13: Tydd St Giles), enabling a safe access to and from the existing bridleway and byway network. In order to ensure that the proposed development has acceptable impacts upon the PRoWs within the application site, it is considered necessary to append a planning condition to any grant of planning permission requiring a scheme of mitigation and improvements to the PRoWs.
- 10.63 Cambridgeshire County Council's Definitive Map Team have also been consulted on the application and, following amendments to provide suitable mitigation and enhancements of the PRoW network, have no objection to the proposed development.
- 10.64 With consideration given to the proposed mitigation and enhancement measures of the PRoW network, the recommendations of Cambridgeshire County Council Definitive Map Team and Cambridgeshire County Council Highways Development Management Team (in respect of this application), and the recommendations of Lincolnshire County Council Highways department (in respect of planning application reference: H19-0329-24), it is considered that the proposed development would contribute to the delivery of robust networks and facilities for walking and cycling; and would provide well designed, safe and convenient access for all; in accordance with policy LP15 of the Local Plan.

Flood risk and drainage

- 10.65 Policy LP14 of the Local Plan requires that development in areas known to be at risk from any form of flooding will only be permitted following:
 - (a) the successful completion of a sequential test (if necessary), having regard to actual and residual flood risks;
 - (b) an exception test (if necessary);
 - (c) the suitable demonstration of meeting an identified need; and,
 - (d) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.
- 10.66 Chapter 14 of the NPPF is consistent with policy LP14 of the Local Plan, in that it requires all development proposals to:
 - Apply a sequential approach to flood risk, whereby development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
 - Apply an exception test to flood risk (where necessary), whereby it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall (as informed by a site-specific Flood Risk Assessment).
- 10.67 The site is located within Flood Zone 3 (high probability of flooding from rivers and sea). PPG (Paragraph: 077 Reference ID: 7-077-20220825) classifies the proposed development as 'essential infrastructure'. Therefore, it is necessary to apply the sequential test and exception test to the proposed development.
- 10.68 The application is accompanied by a Site Search and Sequential Flood Test document (in relation to the sequential test), and a site-specific Flood Risk Assessment and a Surface Water Management Plan (in relation to the exception test).

Sequential test

- 10.69 The Site Search and Sequential Flood Test document adopts a 1 kilometre study area either side of the 132kV line to which the proposed solar farm would connect, as it considers this to be an appropriate distance to achieve a feasible and viable connection. The application states that the applicant has established a point of connection along this route. It has been determined in planning appeals that an easy and readily available grid connectivity is an important consideration which holds significant weight. The Local Planning Authority therefore considers the extent of the identified study area to be reasonable for the purposes of applying the sequential test in this case.
- 10.70 The Site Search and Sequential Flood Test specifies that the proposed development requires a minimum site area of approximately 50 hectares to make the proposed development financially viable and also needs to be located in area with available capacity to connect to the electricity grid. In addition, it specifies physical, environmental, policy and economic and constraints which further restrict the location of the proposed development. These factors are considered alongside

the recognised difficulties in finding feasible and viable sites for the proposed development at a lower risk of flooding elsewhere within the district due to the majority of the district (outside of built-up settlements) being located within Flood Zone 3.

- 10.71 The Site Search and Sequential Flood Test provides constraints maps which demonstrate that there are no reasonably available sites appropriate for the proposed development, in areas with a lower risk of flooding within the district.
- 10.72 It is therefore considered that the proposed development passes the sequential test.

Exception test

- 10.73 The Exception Test comprises two elements, both of which must be satisfied:
 - a) development to demonstrate that it achieves wider community sustainability benefits having regard to the districts sustainability objectives, and
 - b) that it can be made for its lifetime and will not increase flood risk elsewhere ('flood risk management')
- 10.74 The first limb of the Exception Test requires that the development provides wider sustainability benefits to the community that clearly outweigh the flood risk. The second limb requires that the development will be safe for its lifetime, without increasing flood risk elsewhere, and where possible, reducing overall flood risk.
- 10.75 Wider community sustainability benefits

The proposed development would provide substantial wider environmental and economic sustainability benefits to the community, resulting from significant renewable energy production and storage, which would outweigh the flood risk (particularly with consideration given to the absence of any flood risk and drainage objections from technical consultees). It is therefore, considered that the scheme would deliver wider community benefits.

10.76 Flood risk management

The Surface Water Management Plan demonstrates that surface water from the proposed development can be managed through the use of filter trenches on every 10th row of PV panels discharging into existing perimeter swales, which in turn discharge from the site into a watercourse as it presently does.

- 10.77 The Flood Risk Assessment, in addition to the Surface Water Management Plan, demonstrates that the proposed development will be safe for its lifetime (taking account of the vulnerability of its users, which is considered to be low given the nature of the proposed development) and will not increase flood risk elsewhere.
- 10.78 Taking in to account the above, it is therefore considered that the proposed development passes the exception test.

Recommendations from technical consultees

- 10.79 The Environment Agency has no objection to the proposed development and has no concerns over flood risk to the site.
- 10.80 The Lead Local Flood Authority has no objection to the proposed development and considers that surface water from the proposed development can be managed,

- subject to conditions requiring a detailed surface water drainage scheme, and details of construction drainage measures, to be agreed with the Local Planning Authority and subsequently implemented as part of the development.
- 10.81 The North Level District Internal Drainage Board have no objection to the proposed development.
- 10.82 Anglian Water has no comments to make as the proposed development does not include a connection to Anglian Water sewers.

Conclusions

- 10.83 It is considered necessary to append the requested conditions to any grant of planning permission, in order to ensure that surface water is adequately managed and prevent an increased risk of flooding.
- 10.84 With consideration given to the documents accompanying the application, and the recommendations of the technical consultees, it is considered that the proposed development has acceptable flood risk and drainage impacts, in accordance with policy LP14 of the Local Plan and the provisions of the NPPF.

Archaeology

- 10.85 Paragraph 207 of the NPPF requires submission of an appropriate desk-based assessment, and a field evaluation (where necessary), for development sites which have potential archaeological interest.
- 10.86 Policy LP16 of the Local Plan requires development proposals to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18.
- 10.87 Policy LP18 of the Local Plan states that all development proposals that would affect any designated or undesignated heritage asset will be required to:
 - (a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and
 - (b) identify the impact of the proposed works on the special character of the asset; and
 - (c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.
- 10.88 Furthermore, policy LP18 states that the level of detail required should be proportionate to the asset's importance and sufficient to understand the potential impact of the proposal on its significance and/or setting.
- 10.89 The site is located within an area of high archaeological potential and, therefore, the applicant has carried out archaeological investigations (including a geoarchaeological report, geophysics report and on-site trial trenching). Cambridgeshire County Council Historic Environment Team states that, to date, all that is outstanding in terms of the archaeological evaluation phase is the final report for the trial trenching.
- 10.90 Based on the information received to date, and following discussion with Lincolnshire Historic Places Team, Cambridgeshire County Council Historic

Environment Team recommends that further archaeological mitigation works and the remainder of the evaluation works can be secured by planning conditions.

- 10.91 With consideration given to the recommendation of Cambridgeshire County Council, it is considered that the level of archaeological detail received to date is sufficient to understand the potential impact of the proposal on the archaeological significance of the site. However, it is necessary to append the planning conditions recommended by Cambridgeshire County Council Historic Environment Team in order to ensure that the proposed development fully complies with the requirements of policy LP18 of the Local Plan.
- 10.92 It is therefore considered that the proposed development has acceptable archaeological impacts, in accordance with policies LP16 and LP18 of the Local Plan and paragraph 207 of the NPPF.

Trees

- 10.93 Policy LP16 of the Local Plan requires development proposals to retain and incorporate natural features, including trees.
- 10.94 The application is accompanied by an Arboricultural Impact Assessment (AIA) which indicates that all of the trees within the site (all of which are contained within a single woodland copse) would be retained. The AIA identifies that only one tree, a Category A Willow, would be impacted by the proposed development due to construction of the proposed site access encroaching into the Root Protection Area of the tree. The AIA indicates that root pruning may be required for this tree.
- 10.95 With regards to the AIA recommendation of root pruning to this tree, the Council's Tree Consultant states that it would be more prudent that some exploratory works were undertaken first or alternative surface construction methodologies explored to ensure root pruning would not detrimentally impact on a tree that has been categorized as high quality.
- 10.96 Although some protection details have been provided within the AIA, the Council's Tree Consultant recommends a pre-commencement condition requiring a Tree Protection Method Statement to provide further details, including locations and impacts of service runs and tree protection measures during construction.
- 10.97 With consideration given to the recommendation of the Council's Tree Consultant, it is considered necessary to append a pre-commencement planning condition requiring a Tree Protection Method Statement, in order to ensure that high quality trees are sufficiently protected.
- 10.98 It is therefore considered that the proposed development retains and incorporates trees, in accordance with policy LP16 of the Local Plan.

Fire risk

- 10.99 Fire risk is a relevant material planning consideration relating to BESS proposals.
- 10.100 The application is accompanied by a Fire Strategy Report which details the fire risk mitigation measures that have been incorporated into the design of the proposed development.

- 10.101 PPG (Paragraph: 035 Reference ID: 5-035-20230814) recommends that Local Planning Authority's consult the relevant local fire and rescue service on applications for BESS of 1 MWh or over. The Local Planning Authority has consulted Cambridgeshire Fire and Rescue Service in accordance with the PPG guidance.
- 10.102 The consultation response received from Cambridgeshire Fire and Rescue Service provides general advice relating to the prevention of fire in BESS installations and the actions and protective measures for fire service personnel, employees and the public in the event of a fire occurring; it is not tailored specifically to the proposed development.
- 10.103 With consideration given to fire risk mitigation being addressed within the Fire Strategy Report, and the absence of an objection from Cambridgeshire Fire and Rescue Service within their consultation response on the application, it is that there are no significant identified fire risks that would warrant refusal of the planning application on grounds of fire risk. However, in order to ensure adequate mitigation against fire risk is ensured, it is considered necessary to append a condition requiring a Risk Management Plan and Emergency Response Plan to be agreed with the Local Planning Authority.
- 10.104 It is therefore considered that the proposed development would not result in any unacceptable fire risk, ensuring adequate public safety, in accordance with paragraph 102 of the National Planning Policy Framework and PPG relating to fire risks from BESS.

Aviation

- 10.105 Policy LP16 of the Local Plan requires development proposals to provide safe environments.
- 10.106 The Glint and Glare Study assesses the glint and glare impacts on aviation activity associated with Fenland Airfield and Jubilee Farm Airfield.
- 10.107 The Glint and Glare Study concludes that any solar reflections would have acceptable glare intensities for aviation (where glare is possible) and that there would be no significant impacts upon aviation activity associated with the nearby airfields.
- 10.108 It is therefore considered that the proposed development would have acceptable glint and glare impacts to aviation, providing a safe environment, in accordance with policy LP16 of the Local Plan.

Crime

- 10.109 Paragraph 135 of the NPPF states that planning decisions should ensure that developments create places that are safe, where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.
- 10.110 Policy LP16 of the Local Plan requires development proposals to provide safe environments and incorporates security measures to deter crime.
- 10.111 Cambridgeshire Constabulary's Designing Our Crime Officer has reviewed the application in relation to crime, disorder, and the fear of crime. The Designing Out

Crime Officer considers the area to be of low / medium risk in respect of vulnerability to crime and highlights that, nationally, there has been an increase in reported thefts associated with solar farms nationally.

- 10.112 The Designing Out Crime Officer makes recommendations in respect of fencing, lighting, CCTV and alarm systems and states that they would be happy for them to be secured by a condition in any event of planning permission being granted.
- 10.113 In the interests of ensuring that the proposed development provides adequate measures to reduce its susceptibility to attracting crime, it is considered necessary to append a planning condition requiring additional details of crime prevention measures to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development.
- 10.114 It is therefore considered that the proposed development would have acceptable impacts in relation to crime, in accordance with paragraph 135 of the NPPF.

Biodiversity

- 10.115 Policy LP16 of the Local Plan requires development proposals to protect and enhance biodiversity on and surrounding proposal sites, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with Policy LP19.
- 10.116 Policy LP19 of the Local Plan states that the Council will conserve, enhance and promote the biodiversity interest of the natural environment throughout Fenland. In addition, it states that the Council will ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas.
- 10.117 The application is accompanied by an Ecological Surveys and Impact Assessment, which provides an assessment of the biodiversity value of the site and the biodiversity impacts of the proposed development.
- 10.118 The application site predominantly comprises arable land which is intensively farmed and of limited nature conservation value. Notwithstanding this, the proposed development may affect brown hares, bats and ground nesting birds due to the provision of solar panels and the resultant loss of openness. The proposed development may also affect protected species (water vole), in addition to notable plant and invertebrate species, within the ditches located on the site.
- 10.119 The application proposes to retain and enhance the ditches, which is supported by the Council's Principal Ecologist subject to a pre-commencement condition requiring a Construction Environmental Management Plan to avoid harm to the protected species and other notable species within the ditches. In addition, the application proposes grassland enhancements and new tree planting which, in addition to the ditch enhancements, would provide improved foraging habitats / resources for bats, brown hares and skylarks which would mitigate the impacts to those species.
- 10.120 The Council's Principal Ecologist states that the ecology surveys carried out to inform the planning application have been undertaken by suitably qualified

ecologists and to appropriate standards, with no further surveys being necessary prior to determination of the application. The Council's Principal Ecologist has no objection to the application and states that the proposals will not have any impacts on sites specially designated for their nature conservation value.

- 10.121 Natural England has no objection to the proposed development and considers that it will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 10.122 With consideration given to the information contained within the Ecological Surveys and Impact Assessment, in addition to the recommendations of the Council's Principal Ecologist and Natural England, it is considered that the proposed development protects and enhances biodiversity on and surrounding proposal sites, in accordance with policies LP16 and LP19 of the Local Plan.

Biodiversity Net Gain (BNG)

- 10.123 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.124 The application is accompanied by a Biodiversity Metric, and a Biodiversity Net Gain Assessment and Strategy, which the Council's Principal Ecologist considers to be acceptable.
- 10.125 The Strategy indicates that a significant net gain in biodiversity can be achieved on-site by taking large areas of land out of intensive agricultural use and creating areas of species-rich grassland, additional tree planting and ditch enhancements. With consideration given to the recommendations of the Council's Principal Ecologist, it is considered that the proposed development would provide a significant net gain in biodiversity.
- 10.126 The significant on-site biodiversity net gain can be secured for a 30 year period via a Section 106 Agreement / Unilateral Undertaking.
- 10.127 In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

Other matters

Environmental pollution and waste management

10.128 The Lead Local Flood Authority have provided informatives relating to pollution control. In addition, the Environment Agency have provided informatives relating to environmental considerations, and batteries and waste regulations, for BESS. Informatives could be appended to any grant of planning permission to make the developer aware of the advice received from the technical consultees in relation to these issues.

Developer contributions

10.129 A Community Benefit Fund is not a planning requirement and is not a material planning consideration relevant to the determination of this application. It is not necessary to secure any developer contributions as part of this planning application.

Commercial viability

10.130 The Local Planning Authority have not reviewed the commercial viability of the proposed development as it is not material to the determination of this planning application.

Impacts on property values

10.131 The impacts of the proposed development on property values are not a material planning consideration relevant to the determination of this planning application.

11 CONCLUSIONS AND PLANNING BALANCE

- 11.1 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission the authority shall have regard to the provisions of the development plan, so far as material to the application and any other material considerations.
- 11.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- The proposed development would contribute positively to environmental 11.3 sustainability, by providing a significant contribution to renewable energy generation and energy storage; contributing towards addressing climate change and improving energy security and resilience. The proposed development would contribute positively towards social and economic sustainability by increasing reliability of the grid to support a growing need from local residential and business properties, and by potentially contributing towards lower costs of energy provision. The proposed development would provide additional environmental benefits resulting from a significant biodiversity net gain; and additional economic benefits resulting from employment during the construction, decommissioning phases of the development. It is considered that these factors attract significant weight in favour of the application in the overall planning balance.
- 11.4 The proposed development would not result in any significant harm in respect of residential amenity, high safety and transport, Public Rights of Way, flood risk and drainage, archaeology, trees, fire risk, aviation and crime. It is considered that these factors attract neutral weight in the overall planning balance.
- 11.5 The proposed development would result in harm to the character and appearance of the area and BMV land being taken out of arable production. It is considered that these factors attract moderate weight against the application in the overall planning balance.

11.6 It is considered that the identified benefits which would result from the proposed development, particularly the significant contribution of the proposed development towards addressing climate change, outweighs the moderate harm identified. It is therefore recommended that the planning permission is granted, subject to the completion of a Section 106 Agreement to secure significant on-site biodiversity net gain for a 30 year period.

12 RECOMMENDATION

Grant; subject to the following conditions and the completion of a Section 106 Agreement to secure significant on-site biodiversity net gain for a 30 year period.

1 Start date

The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Construction Traffic Management Plan

Prior to commencement of the hereby approved development, a Construction Traffic Management Plan (CTMP) relating to the construction and decommissioning phases of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include (but shall not be limited to) details regarding construction and decommissioning traffic routes. The CTMP shall be adhered to throughout the construction and decommissioning phases of the development.

Reason: To prevent adverse impacts on the amenity of neighbouring users, and to ensure that the development has acceptable transport implications on the local road network, during the construction and decommissioning phases of the development, in accordance with policies LP15 and LP16 of the Fenland Local Plan 2014.

3 Construction Environmental Management Plan

Prior to commencement of the hereby approved development, a Construction Environmental Management Plan (CEMP) relating to the construction and decommissioning phases of the development shall be submitted to, and approved in writing by, the Local Planning Authority.

The CEMP shall demonstrate the adoption of best practice to reduce the potentially adverse effects on those living and working nearby the development site, whilst also acknowledging the health, safety and welfare of those working on site.

The CEMP shall include (but shall not be limited to) information relating to the following matters:

- a. Construction and decommissioning hours;
- b. Site Waste Management Plan;
- c. Temporary external lighting;
- d. Pollution Prevention Plan (and mitigation if necessary); and
- e. Details of the management of noise and vibration during construction period;
- f. Details of how any direct or indirect impacts on existing ditches are to be avoided during the course of any construction and decommissioning

works, or details of what mitigation measures will be implemented if impacts cannot be avoided.

The CEMP shall be adhered to throughout the construction and decommissioning phases of the development.

Reason: To prevent adverse impacts on the amenity of neighbouring users, to protect biodiversity, to ensure adequate management of site waste, and to prevent pollution to the environment during the construction and decommissioning phases, and to ensure that the development has acceptable transport implications on the local road network, during the construction and decommissioning phases of the development, in accordance with policies LP15, LP16 and LP19 of the Fenland Local Plan 2014.

4 Soil Management Plan

Prior to commencement of the hereby approved development, a Soil Management Plan (SMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The SMP shall include details relating to the safeguarding of soil resources and agricultural land at the commissioning stage, together with a commitment for the preparation restoration and of reinstatement, aftercare plans decommissioning phase; including plans to return the land to the predevelopment land quality (ALC grade). The SMP shall reference the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The SMP shall be adhered to at all times.

Reason: To safeguard soil resources and agricultural land, in accordance with policy LP14 of the Fenland Local Plan.

5 Tree Protection Method Statement

Prior to commencement of the hereby approved development, a Tree Protection Method Statement (TPMS) shall be submitted to, and approved in writing, by the Local Planning Authority. The TPMS shall include:

- Locations of service runs and how they could impact on the trees, along with how they will be protected from construction pressures;
- Justification and mitigation for any tree removal proposed;
- Details of how trees will be protected at all stages of the development (including the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas, and design solutions for all problems encountered that could adversely impact trees);
- Details of any necessary tree surgery works;
- The Method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.).

All works shall be carried out in accordance with the agreed TPMS.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies LP16 and LP19 of the Fenland Local Plan 2014.

6 Archaeological Mitigation Strategy

No development shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for evaluation trenching and provision for further mitigation work. These schemes shall include the following:

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- 2. A methodology and timetable of site investigation and recording
- 3. Provision for site analysis
- 4. Provision for publication and dissemination of analysis and records
- 5. Provision for archive deposition
- 6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation, in accordance with policy LP18 of the Fenland Local Plan 2014.

7 Archaeological site work

The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Condition 6 of the planning permission. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work, in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains, in accordance with policy LP18 of the Fenland Local Plan 2014.

8 Archaeological recording

Within 3 months following commencement of the development hereby approved, a report of the archaeologist's findings shall be submitted to the Local Planning Authority and Cambridgeshire County Council Historic Environment Team (unless otherwise agreed in writing by the Local Planning Authority); and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains, in accordance with policy LP18 of the Fenland Local Plan 2014.

9 Archaeological Management Plan

Prior to the commencement of development, an Archaeological Management Plan (AMP) shall be submitted to and approved in writing by the Local Planning Authority. The AMP shall include details of precautionary measures to ensure the protection of archaeological assets identified for preservation in situ, throughout the operation of the site, including construction, repairs and decommissioning, and including details of monitoring and enforcement measures.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains, in accordance with policy LP18 of the Fenland Local Plan 2014.

10 Hard and soft landscaping scheme

Prior to commencement of the development hereby approved, a scheme for the hard and soft landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority.

The landscaping details to be submitted shall include:

- a) proposed finished levels;
- b) means of enclosure;
- c) vehicle and pedestrian access and circulation areas;
- d) hard surfacing, other hard landscape features and materials;
- e) existing trees, hedges or other soft features to be retained;
- f) planting plans, including specifications of species, sizes, planting centres number and percentage mix;
- g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

The approved hard landscaping shall be completed in accordance with the approved details prior to operation of the development.

The approved soft landscaping shall be completed in accordance with the approved details within the first available planting season following operation of the development, or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Reason: To aid assimilation of the development into the countryside and minimise visual impacts, in accordance with Policy LP16 of the Fenland Local Plan 2014.

11 Landscape Management Plan

Prior to operation of the hereby approved development, a Landscape Management Plan including long term design objectives, maintenance schedules and a programme of management activities for landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority.

The landscape management plan shall cover all existing vegetation within the site as well as any new planting implemented as part of the development. All vegetation within the site shall be managed in accordance with the approved Landscape Management Plan for the full duration of the development hereby permitted.

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Policy LP16 of the Fenland Local Plan 2014.

12 **Noise mitigation**

Prior to operation of the hereby approved development, details of the acoustic barriers recommended within the Noise Impact Assessment (Report No: P23-441-R01v2) shall be submitted to, and approved in writing by, the Local Planning Authority. The acoustic barriers shall be constructed in accordance with the approved details prior to operation of the development.

Reason: To prevent adverse impacts on the amenity of neighbouring users, in accordance with policy LP16 of the Fenland Local Plan 2014.

13 **Public Rights of Way**

Prior to commencement of the hereby approved development, a scheme for mitigation and improvements to the Public Rights of Way (PRoWs) within the application site shall be submitted to, and agreed in writing by, the Local Planning Authority. The mitigation and improvements to the PRoWs shall be completed in accordance with the approved scheme prior to operation of the hereby approved development.

Reason: To contribute to the delivery of robust networks and facilities for walking and cycling; and provide well designed, safe and convenient access for all; in accordance with policy LP15 of the Local Plan.

14 Fire risk

Prior to operation of the hereby approved development, a Risk Management Plan (RMP) and Emergency Response Plan (ERP) shall be submitted to, and approved in writing, by the Local Planning Authority. The RMP and ERP shall, where possible, adhere to the best practice guidance contained within the 'Grid Scale Battery Energy Storage System planning - Guidance for FRS', published by NFCC National Fire Chiefs Council, or any subsequent version. Where it is not possible to adhere to this guidance in full, the reasons shall be justified within the RMP and ERP. The RMP and ERP shall be implemented and complied with for the lifetime of the operation of the development.

Reason: To ensure acceptable fire risks, in accordance with paragraph 102 of the National Planning Policy Framework.

15 **Security measures**

Prior to commencement of the hereby approved development, a scheme of security measures (including details of fencing, external lighting, Closed Circuit Television Cameras and alarm systems) shall be submitted to, and approved in writing by, the Local Planning Authority.

The security measures shall be completed in accordance with the approved scheme prior to operation of the development.

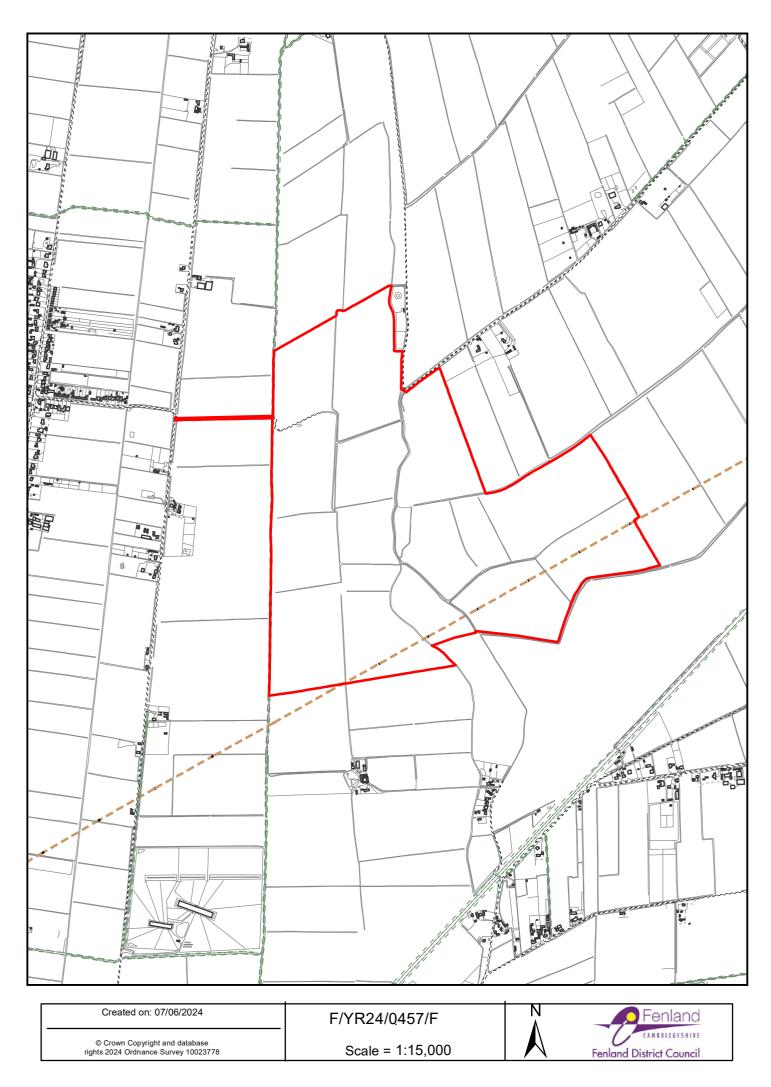
Reason: To provide a safe environment and incorporate security measures to deter crime, in accordance with policy LP17 of the Fenland Local Plan 2014.

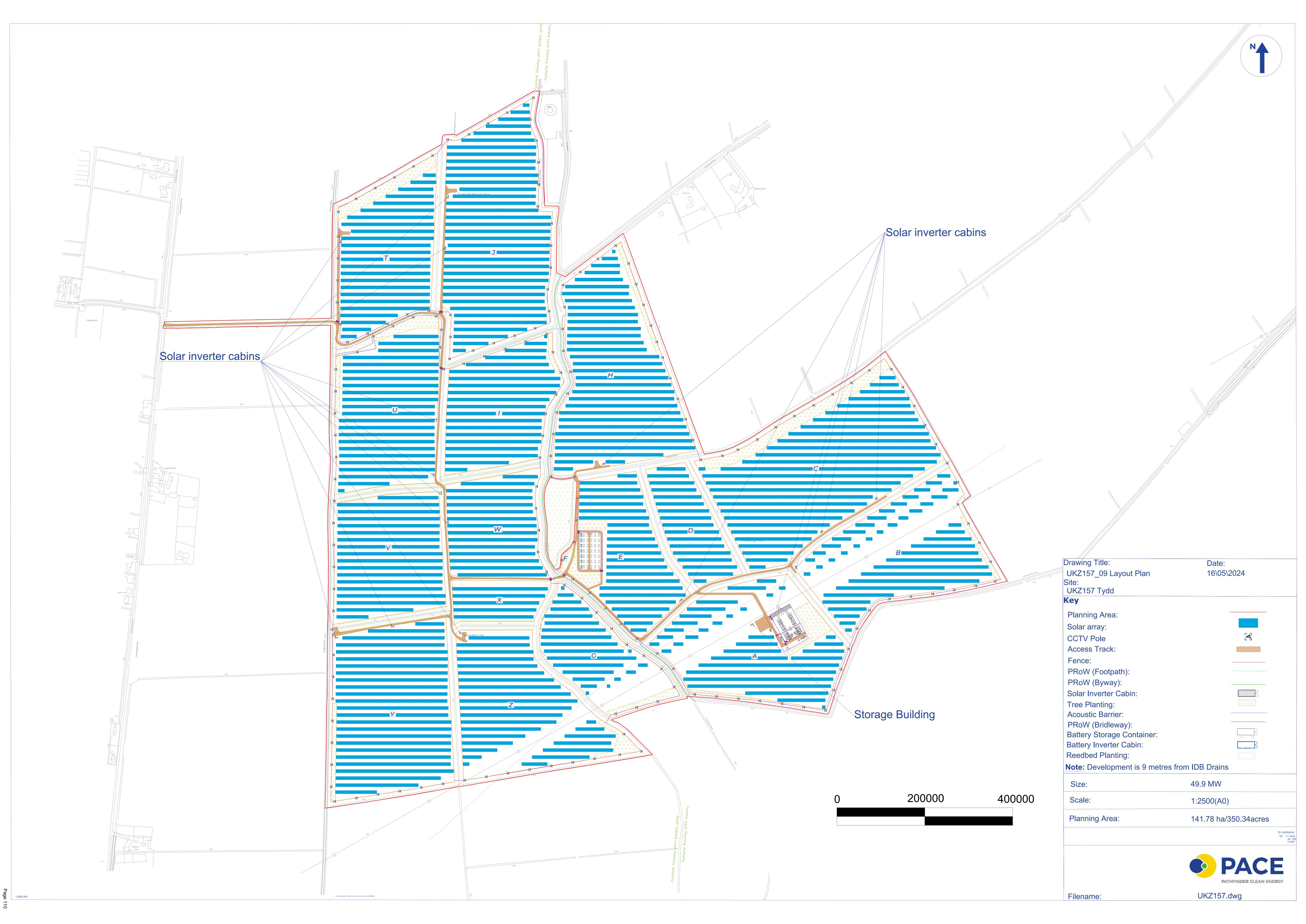
16 **External lighting restriction** No external lighting shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application. Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014. 17 Surface water drainage strategy No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Surface Water Management Plan, Floodline Consulting, Rev: A, Dated: 24th November 2023 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling. Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with policy LP14 of the Fenland Local Plan 2014. 18 **Construction surface water management** No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence. Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with policy LP14 of the Fenland Local Plan 2014. 19 **Pollution control** Prior to the commencement of any development, a scheme for the provision and implementation of pollution control, to land and water, shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out and shall operate in strict accordance with the approved scheme. Reason: To prevent unacceptable risks of pollution to land and water, in accordance with policies LP14 and LP16 of the Fenland Local Plan 2014. 20 Flood risk The development hereby approved shall be carried out in strict accordance with the Flood Risk Assessment Report Revision A, prepared by Floodline Consulting and dated 24th November 2023.

Reason: To ensure adequate flood risks, in accordance with policy

LP14 of the Fenland Local Plan 2014.

21	Biodiversity
21	The development hereby approved shall be carried out in strict
	accordance with the Ecological Surveys and Impact Assessment V1.0,
	prepared by AWEcology and dated November 2023.
	properties by 71112 coregy and dated 110101111501 2020.
	Reason: To protect and enhance biodiversity, in accordance with
	policies LP16 and LP19 of the Fenland Local Plan 2014.
22	Vehicle access restriction
	No vehicles shall access or egress the site on to, or from, Broad Drove
	West or Elloe Bank.
	Reason: To minimise interference with the free flow and safety of traffic
	on the adjoining public highway, in accordance with Policy LP15 of the
	Fenland Local Plan 2014.
23	Temporary permission
	Planning permission is hereby granted for a temporary period not
	exceeding 40 years from the date that electricity from the development
	is first exported to the electricity distribution network ("First Export
	Date"). Written confirmation of the First Export Date will be provided to
	the Local Planning Authority within one month of the First Export Date.
	The permission hereby granted shall expire after 40 years following the
	date when electrical power is first exported ('first export date') from the
	development to the electricity grid network, excluding electricity
	exported during initial testing and commissioning. Written confirmation
	of the first export date shall be provided to the local planning authority
	no later than one calendar month after the event.
	Reason: The application has been assessed as complying with local
	and national planning policies on the basis of the application seeking
	planning permission for a temporary period.
24	Land reinstatement scheme
	A land reinstatement scheme shall be submitted to, and approved in
	writing by, the Local Planning Authority no less than 6 months prior to
	decommissioning of the development. The scheme shall make
	provision for the dismantling and removal from the site of all structures,
	including fencing. The Local Planning Authority must be notified of the
	cessation of electricity generation in writing no later than one calendar
	month after the event. No later than 12 months after commencement of
	decommissioning, all structures shall have been removed and the site
	reinstated in accordance with the approved reinstatement scheme.
	Reason: To preserve the character and appearance of the area
	following cessation of the operation of the development, in accordance
	with policy LP16 of the Fenland Local Plan 2014.
25	Biodiversity Net Gain
	Development may not be begun unless:
	(a) a biodiversity gain plan has been submitted to the planning
	authority, and
	(b) the planning authority has approved the plan.
	Reason: To ensure compliance with Schedule 7A of the Town and
	Country Planning Act 1990 (inserted by the Environment Act 2021).
26	Approved plans





Agenda Item 7

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

